

TITLE XI:

**BUSINESS
REGULATIONS**

Chapter 113

Telecommunication
Antenna and Tower
Ordinance

CHAPTER 113: TELECOMMUNICATION ANTENNA AND TOWER ORDINANCE

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§ 113.01 PURPOSE

It is the intent of the Pike County Board of Commissioners, referred to in additional places in this Ordinance as the Governing Authority, that the provisions of this ordinance be construed to implement the provisions of the Telecommunications Act of 1996 on a local level; to control the placement of telecommunications structures and antennas in a way that minimizes the adverse visual or other impacts to nearby properties by locating telecommunications structures and antennas in non-residential areas or in areas where the adverse impact on the community is minimal; to advocate the shared use of new and existing telecommunications structure sites through co-location to discourage the proliferation of telecommunications structures throughout Pike County; to reduce the apparent quantity of telecommunication structures by providing incentives to utilize co-location and stealth technologies, thereby lessening adverse visual impacts of these facilities on developed residential areas, agricultural areas, and natural surroundings; and to facilitate the use of public property to enhance the ability of providers of telecommunication services to provide such service to the community quickly, effectively, and efficiently.

(Ord. Passed 06-12-02)(Amend. Ord. Passed 03-10-10)

§ 113.02 DEFINITIONS

Except as specifically defined herein, all words used in this resolution have their customary dictionary definition. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word “structure” shall be synonymous with “telecommunications structure” but does not include a building or enclosure; the word “shall” is mandatory and not directory. Any word not herein defined shall be as defined elsewhere in the Pike County Code of Ordinances. In the event of a conflict among definitions, the most restrictive shall apply. For the purposes of this ordinance, the following terms and words are hereby defined:

- (A) **ANTENNA (Plural: antennas)** A mounted exterior apparatus designed for the transmission or reception of wireless communications or data. Types of antennas include a system of poles, panels, rods, reflecting discs or similar devices for data telephonic, radio, or television communication.
- (B) **ALTERNATIVE TELECOMMUNICATIONS STRUCTURE.** Man-made trees, clock towers, water supply towers, bell steeples, domes, flag or light poles, signs, and other similar alternative design mounting structures that camouflage or conceal the presence of antennas or telecommunications structures. An alternative telecommunications structure may have an antenna and be affixed to an existing building, overhead facilities, or the like.
- (C) **BROADCASTING TOWER.** A television or radio-broadcasting tower that receives the system of television broadcasting signals, amplifies the signals, and transmits them by cable, microwave, or other electromagnetic frequency to private subscribers and the general public.
- (D) **BUILDING, PRINCIPAL.** The building on a lot in which the principal use of the lot is conducted.
- (E) **CO-LOCATION/SITE SHARING.** This term shall mean use of a common telecommunication structure or common site by 2 or more telecommunications providers or by 1 telecommunications provider for more than one type of antenna or technology. Co-location and site sharing is also the placement of an antenna array on a structure owned or operated by a telecommunications provider.
- (F) **COMPREHENSIVE PLAN.** Means the current Pike County Comprehensive Plan.

- (G) COUNTY. Means Pike County, Georgia.
- (H) COUNTY PROPERTY. All real property owned by Pike County, other than public streets and utility easements as those terms are defined elsewhere in this Ordinance, and all property held in a proprietary capacity by Pike County.
- (I) DEPARTMENT: The Pike County Planning and Development Department.
- (J) DIRECTOR. The Director/Zoning Administrator of the Pike County Planning and Development Department.
- (K) EQUIPMENT FACILITY. Any enclosure or building used to contain ancillary equipment such as poles, pipes, mains, conduits, ducts, cables and wires located under, on or above the surface of the ground and used for the telecommunications structure. Equipment facilities include, but are not limited to, cabinet, shelters, a buildout of an existing support structure, pedestals and other similar enclosures.
- (L) FAA. Federal Aviation Administration.
- (M) FCC. Federal Communications Commission.
- (N) GOVERNING AUTHORITY. The Chairman and Board of Commissioners for Pike County.
- (O) LOT WIDTH. The distance between side lot lines measured at the front building line; if a corner lot, the distance between lot lines measured along the front building line which parallels or more nearly parallels the rear lot line.
- (P) OVERHEAD FACILITIES. Utility poles, public utility facilities, electronic transmission lines, and other facilities located above the surface of the ground, including the underground supports and foundations for such facilities.
- (Q) PRE-EXISTING TELECOMMUNICATIONS STRUCTURE. A telecommunications structure which exists on, or has been granted a Building Permit prior to the adoption of this ordinance.
- (R) PERSONAL WIRELESS SERVICES. Commercial mobile services and common carrier wireless exchange access services.
- (S) PUBLIC SAFETY USE. Public Safety Use includes, but is not limited to, uses deemed necessary by The Pike County Director of Emergency Management, the Pike County Fire Chief, the Pike County Sheriff's Department, the Department of E-911 / Communications, and the Pike County Manager. Such uses are to aid in communications between government agencies and as Public Addresses and warning systems for emergency and destructive weather warnings. Functions may include Fire, EMS, Ambulance, Police, Sheriff, Forestry and other Public Safety and Emergency Management broadcasts or transmissions.
- (T) PUBLIC STREET. Any highway, street, alley or other public right-of-way for motor vehicle travel under the jurisdiction and control of the County which has been acquired, established, dedicated or devoted to transportation purposes.
- (U) PUBLIC UTILITY. Persons, corporations or government supplying gas, electric, transportation, water, sewer, or land line telephone service to the general public. For the purpose of this Ordinance, telecommunications structures and telecommunications facilities, and support structures shall not be considered public utility uses, and are defined separately.
- (V) PUBLIC UTILITY STRUCTURE. A structure that is essential to supply the public with a commodity or service and is associated with railroad companies, dock companies, terminal station companies, telephone and telegraph companies, gas or electric light and power companies, rapid rail passenger service lines, and waste treatment facilities. Specifically

excluded from this definition are telecommunication structures and antennas by type, including, but not limited to, self-supporting lattice telecommunications structures, guy wire support on telecommunications structures, monopole telecommunications structures, cellular telephone telecommunications structures, and alternative telecommunications structures.

- (W) **RIGHT-OF-WAY.** A strip of land designed, reserved, dedicated or purchased for the purpose of pedestrian or vehicular access or utility line installation.
- (X) **REVIEW BODY.** Applicable Board or Commission having authority to make a recommendation or make an official decision on the application.
- (Y) **SIDE YARD.** The open space between the side property line and the side building line extending from the rear line of the front yard to the front line of the rear yard.
- (Z) **STATE.** State of Georgia.
- (AA) **SUPPORT STRUCTURE.** Any structure designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice telecommunications structures, guy wire support on telecommunications structure, or monopole telecommunications structure. The term shall include, but is not limited to, radio and television transmission telecommunications structures, microwave telecommunications structures, common-carrier telephone telecommunications structures and alternative telecommunications structure structures.
 - (1) **Lattice Telecommunications Structure** is a wireless communication support structure which consists of vertical and horizontal supports and metal crossed strips or bars to support an antenna(s) and connecting appurtenances. Lattice telecommunications structures may or may not be supported by guy wires.
 - (2) **Monopole Telecommunications Structure** is a wireless communication structure, which consists of a single pole structure to support an antenna or antenna array-and connecting appurtenances.
 - (3) **Guyed Telecommunications Structure** is any variety of support structures using wire guys connecting above grade portions of a communication support structure diagonally with the ground to provide support for communications telecommunications structures, antenna arrays, and connecting appurtenances.
- (BB) **SURPLUS SPACE.** The portion of usable space on a support structure that has the necessary clearance from other users to allow its use by a telecommunications provider for an antenna array.
- (CC) **TELECOMMUNICATIONS ACT.** The Telecommunications Act of 1996; Title 47, United States Code, as now and hereafter amended.
- (DD) **TELECOMMUNICATION PROVIDER.** Persons or entities who provide personal wireless service through telecommunication structures without ownership or management control of the facilities.
- (EE) **TELECOMMUNICATIONS STRUCTURE.** Any unstaffed facility for the transmission and/or reception of telecommunication providers, usually consisting of a support structure, antennas, equipment facility and other appurtenances used or to be used to transmit, receive, distribute, provide or offer telecommunications providers on the telecommunications structure.
- (FF) **TELECOMMUNICATIONS STRUCTURE OWNER.** The person, entity, organization, or company having the legal right to place telecommunications providers on the telecommunications structure.

- (GG) ZONING ADMINISTRATOR. The person, officer, or official and his or her authorized representative, whom the Board of Commissioners of Pike County has designated as its agent, for the administration of these regulations.
- (HH) ZONING RESOLUTION. The Zoning Code of Pike County, Georgia, as now and hereafter amended.
(Ord. Passed 06-12-02) (Amend. Ord. Passed 03-10-10)

General Provisions

§ 113.03 REQUIREMENTS FOR BUILDING PERMIT

(A) General.

It shall be unlawful for any person, firm or corporation to erect, construct, or place any support structure, alternative telecommunications structure, antenna or antenna array without first obtaining a Building Permit to construct a telecommunications structure.

(B) Principal Use.

Antennas or 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 a tower or antennas on such lot.

(C) Special Exception Approval.

Prior to applying for a Building Permit, telecommunications antenna and tower applicants in all zoning districts must acquire Special Exception approval through review and recommendation by the Pike County Board of Appeals and final action by the Pike County Board of Commissioners.

(D) Performance Bond Required.

Prior to the issuance of a Building Permit to erect a new telecommunications structure, every applicant shall be required to deposit a performance bond with Pike County.

- (1) The amount of the Bond, not less than \$5,000.00 nor more than 10% of construction costs, shall be set by the Director. Such bond shall be required upon compliance with all aspects of this section and shall be applicable to any assignee and owner of any permit granted hereunder, or any employee, contractor, subcontractor, or other party performing services in connection with any Building Permit.
- (2) The required bond shall be released only upon demolition of the telecommunications structure and restoration of the site to reasonable pre-development conditions. The format of the bond shall be approved by the County Attorney.

(E) Removal Bond Required.

Prior to the issuance of a Building Permit to erect a new telecommunications structure, and on the biennial (24 months) recurrence of a date marked in the Building Permit file, every telecommunications owner shall be required to deposit a bond with Pike County to remove the telecommunications structure.

- (1) The amount of the bond, not less than \$5,000.00 nor more than 10% of construction costs, shall be set by the Director. The requirement of the removal bond shall apply to those telecommunications structures that receive a Building Permit after the effective date of this Ordinance. The County Attorney shall approve the format of the bond. The failure to comply with this section shall result in the issuance of a citation for the violation of this Ordinance by the Planning and Development Department.

- (2) This bond money shall be returned to the telecommunications owner upon demonstration of compliance with all applicable ordinances. Determination of compliance shall be accomplished within 90 days of the receipt of the bond.
 - (3) In the event of non-compliance, the County may, at its discretion, retain and use the bond monies to bring the structure into compliance or use the bond monies in addition to the Performance Bond monies to have the structure removed. Any remaining bond monies shall be returned to the telecommunications owner.
- (F) Fees.
An application for a Building Permit must be accompanied by the appropriate fee. Fees for Building Permits associated with antennas and towers are posted in the fee schedule at the Department of Planning and Development.
- (G) Taxation.
All telecommunications structures within Pike County shall be taxed as real property. Prior to receiving a final inspection approval, the telecommunications structure owner or landowner shall demonstrate that the telecommunications structure has been returned for the fair market value of the improvements in the Office of the Tax Assessor.
- (H) Identity of Personal Wireless Service Providers.
For purposes of adequately tracking wireless charges for the enhanced 911 system, the telecommunications structure owner shall provide the Director, on an annual basis, the identity of personal wireless service providers on each and every telecommunications structure, and identify by name, address, telephone number, facsimile number, and electronic mail address the appropriate corporate officer who shall be responsible for payments of the enhanced 911 wireless charges.
- (I) Site Plan Required with Building Permit Application.
A scaled site plan that demonstrates compliance with all applicable requirements of this Ordinance is required at the time of the Building Permit application. Additional information indicated on the site plan must include north arrow, location of telecommunications structure on site, topography of site, setbacks, adjacent roads and adjacent property, total telecommunications structure height including antennas, type and design of all telecommunications structure facilities, including equipment buildings or cabinets, maximum effective radiated power or each antenna or antenna array, ingress/egress, landscaping and buffer requirements, fencing, zoning type irradiation pattern, and adjacent property and any other information necessary to assess compliance with this Ordinance. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.
- (J) Accurate Drawing.
The application for a Building Permit shall include an accurate drawing which clearly shows the extent of all of the proposed land disturbance to occur on the parcel and the general type and extent of vegetation to be removed and replaced as well as the name, certification number, fax number, and 24-hour telephone number of the company or individual responsible for design, installation, and maintenance of erosion sediment controls on-site.
- (K) Applicant Certification.
The Permit Applicant shall certify in writing that the proposed telecommunications structure meets all FAA and FCC standards and regulations.

- (L) Aerial Photograph.
The Permit Applicant shall provide an aerial photograph of the parcel from available Pike County Tax Maps.
- (M) General Description and Map.
The Permit Applicant shall provide a general description and map of the geographic area for which the telecommunications structure will provide coverage.
- (N) Statement as to Potential for Co-Location.
The Permit Applicant shall provide a statement as to the potential for co-location on the support structure.
- (O) Statements of Rejections.
The Permit Applicant shall provide statements of rejection from owners of pre-existing or planned telecommunications structures in the proposed service area as required in Chapter 113.16(B) and Chapter 113.17.
- (P) As-Built Drawings.
Upon completion of the telecommunications structure, the permittee shall present to the Director one complete set of the construction plans and drawings with each page of the set sealed by an engineer registered in the State of Georgia, showing the telecommunications structure. These drawings and plans shall include “as built” plans of the telecommunications structure showing the planned and actual location of all utility lines, final grades, and any required storm water detention facilities.
- (Q) Term of Permit, Extension, Renewal.
The applicant shall complete the work authorized by the permit as per Section 156.023 (I) of the Pike County Code. However, if prior to the date established for commencement of work, the applicant makes written request to the Director for an extension of time to commence the work, setting forth the reasons for the required extension, the Director may grant such extension, without penalty.
- (R) Access Road to a Telecommunications Structure.
The purpose of this provision is to allow safe ingress and egress of vehicles and equipment during periods of inclement weather and to maintain the aesthetics of the road.
- (1) In the event the telecommunications structure is located within 200 feet of a public right of way, the permittee shall be required to grade, base, and pave an access road from the County or state road to the telecommunications structure. The paving width shall be twelve feet but no curb and gutter shall be required.
 - (2) On access roads longer than 200 feet, the permittee may grade, base and gravel or apply crusher-run as necessary to maintain access and aesthetics of the road.
 - (3) All other applicable standards from the Pike County Subdivision Regulations, the Pike County Public Works Department and the State Department of Transportation shall apply.
- (S) Compliance Inspection.
Upon the completion of all construction activities and prior to the authorized operation of the telecommunications structure, the permittee shall request a compliance inspection of the premise and grounds. The permittee shall demonstrate compliance with all requirements set forth in Chapter 113.03 including the submission of as-built drawings. If the permittee satisfactorily demonstrates compliance, the Director shall approve the telecommunications structure for full operation.

(T) Signed Lease.

If applicable, a copy of the relevant portions of a signed lease which requires the permittee to remove the telecommunications structure and associated facilities upon cessation of operations at the site shall be submitted at the time of application. In the event that a telecommunications structure is not removed at the cessation of operations at a site, the telecommunications structure and associated facilities may be removed by the governing authority and the costs of removal assessed against the subject property.

(U) Building Permit Exemptions.

Building permits are not required when adjusting or replacing worn or used antenna arrays to existing telecommunications structures provided the placement does not interfere with any safety device and complies with all other provisions of this Ordinance. For all other possible permit situations, refer to the approved, current fee schedule posted at the Pike County Planning and Development Department.

(Ord. Passed 06-12-02)(Amend. Ord. Passed 03-10-10)

§ 113.04 PERMITTED USES

(A) General.

Telecommunications structures shall require a Building Permit after special exception approval. Each application for a Building Permit shall comply with the applicable requirements of Section 113.03 and 113.04 herein and all other applicable ordinances.

(B) County-Owned Property.

Telecommunications structures may locate on County-owned property (except public schools) at a maximum height of 250 feet after review by the Director and final approval of the Board of Commissioners; Special Exception approval is still required. The Board of Commissioners or their official designee shall negotiate compensation for the leased parcel for the telecommunications structure. Prior to site plan approval by the Director and the Board of Commissioners, the telecommunications structure owner and subsequent users of the telecommunications structure shall be required to execute a written agreement, in a form acceptable to the County Attorney, which releases the County from all liability regarding the telecommunications structure.

(C) Administrative Variance.

The Director shall have jurisdiction and authority to grant minor administrative variances from standards set forth in Sections 113.23 where the uniqueness of the land, its topographical characteristics, and other relevant evidence and considerations would demonstrate compliance with the intent and purpose of this ordinance. The Director shall not have the authority to approve any increase in the height of the telecommunications structure but may approve variances and modifications of other development items not to exceed ten (10) percent of the stated item requirements.

The request for a Variance shall be in writing to the Director, stating the Variance being sought, and the reasons why the request should be granted. Within 45 days of receipt of the request for a Variance, the Director shall make a decision to all interested parties with reasons supporting the decision. If the Director executes an action which the applicant or other aggrieved party believes to be contrary to law, that action may be appealed to the Pike County Superior Court.

(Ord. Passed 06-12-02) (Amend. Ord. Passed 03-10-10)

§ 113.05 RESTRICTED LOCATIONS

- (A) All telecommunications structures are restricted from the following locations:
- (1) Floodplain areas as designated on the current FEMA Flood Insurance Rate Maps for Pike County;
 - (2) Environmentally sensitive lands.
 - (3) Natural resources that are designated for special treatment or protection.
 - (4) An antenna may not be located on a building or structure that is listed on a historic register, or is in a historic district without specific approval from the Director (alternative structure, hidden antennas, etc.)
 - (5) A telecommunications structure may not be located within historic district, or within 500 feet of historic structures of sites that meet the National Historic Register Criteria for Evaluation or that are identified in the current Pike County Comprehensive Plan, as amended without specific approval from the Director (alternative structure, hidden antenna, etc.)
- (B) All new telecommunications structures located in A-R zoning districts or other areas zoned primarily for agricultural and/or residential operations shall be required to be constructed as monopoles and shall be a minimum of 1,000 feet from the nearest residence, excepting only the residence located upon the same tract as the telecommunications structure. The path shall be measured from the nearest point of the residential dwelling to the nearest point on the telecommunications structure. The landowner and any resident shall sign a hold harmless or release of liability statement provided by the County attorney stating that they acknowledge the risks and release Pike County from responsibility for any and all possible effects as a result of allowing a telecommunications structure and system to be located and operated closer than 1,000 feet to a residence.
- (Ord. Passed 06-12-02) (Amend. Ord. Passed 03-10-10)

§ 113.06 PRE-EXISTING TELECOMMUNICATIONS STRUCTURES

- (A) A pre-existing telecommunications structure is subject to the following provisions:
- (1) The telecommunications structure may continue in use for the purpose then used, but may not be expanded without complying with the fees and other requirements of this ordinance, except as expressly provided in this Section.
 - (2) The telecommunications structure may add additional antennas, antenna arrays and equipment facilities subject to the fees and other requirements of this ordinance.
 - (3) The telecommunications structure that is hereafter damaged or destroyed due to any reason or cause may be repaired and restored to its former use, location, and physical dimensions subject to obtaining a Building Permit as described herein.
- (B) The owner of any pre-existing telecommunications structure may repair the existing telecommunications structure without having to conform to the provisions of this ordinance or seek a Building Permit. An increase in the number of-antennas to an existing telecommunications structure shall require a Building Permit and be subject to the fees of the current fee schedule. An increase in the height of an existing telecommunications structure shall require a Special Exception approval and a Building Permit. Co-locations on an existing telecommunications structure shall require a permit for each new antenna, subject to the fees and other requirements of this Ordinance.
- (Ord. Passed 06-12-02)(Amend. Ord. Passed 03-10-10)

§ 113.07 TWO-WAY RADIO

(A) Single user.

This section applies to a two-way radio single-user system primarily for inter-company, business, or employee communications. A single-owner using two-way radio technology shall not be required to obtain a Building Permit for a telecommunications structure where:

- (1) The two-way radio telecommunications structure has a height of less than 75 feet and a diameter of less than 24 inches, the diameter being measured at the greatest point; and
 - (2) The property is located in a commercial or industrial district; and
 - (3) The two-way radio telecommunications structure is a single-user structure.
- (B) The landscaping and setback requirements in this ordinance shall not apply where the two-way radio telecommunications structure is located within a distance of 5 feet, as measured from the telecommunications structure, from the rear or side of the primary building on the property.

(Ord. Passed 06-12-02) (Amend. Ord. Passed 03-10-10)

§ 113.08 AMATEUR RADIO, RECEIVE-ONLY ANTENNAS

A single-user using amateur radio or receive-only antennas shall not be required to obtain a Building Permit to install any amateur radio or receive-only antennas that is under 75 feet in height and is owned and operated by a federally licensed amateur radio station operator or is used exclusively for signal reception. This section shall pertain to television signal reception, radio signal reception and two-way amateur radio use.

(Ord. Passed 06-12-02) (Amend. Ord. Passed 03-10-10)

§ 113.09 PUBLIC SAFETY USE AND CO-LOCATION OF PUBLIC SAFETY ANTENNAS

All telecommunications tower permittees and/or owners of towers that require a Building Permit must provide space and allow for the attachment of Public Safety transmissions antennas or repeaters and public address systems and/or weather warning systems as requested by Pike County and at no cost to Pike County. Public Safety use systems are defined in Section 113.02(S).

- (A) Pike County Emergency Services and their agents or designees shall be allowed access to the tower as needed for the installation, maintenance and monitoring of Public Safety associated systems.
- (B) Public Safety associated systems and equipment may be placed upon the structure at the time of construction or at any time requested by the Pike County Director of Emergency Services.
- (C) Public Safety Use shall not significantly interfere with the approved uses of the telecommunications structure.

(Ord. Passed 06-12-02) (Amend. Ord. Passed 03-10-10)

Supplemental Regulations

§ 113.10 INTERFERENCE WITH PUBLIC SAFETY TELECOMMUNICATIONS

No new or existing telecommunications provider shall interfere with public safety telecommunications. Before the introduction of new service or changes in existing service, telecommunications providers shall notify the Director in writing at least 10 calendar days in advance of such changes. The Director may request that the telecommunications provider supply information on the projected power density of the structure.
(Ord. Passed 06-12-02) (Amend. Ord. Passed 03-10-10)

§ 113.11 COMPLIANCE WITH FAA AND FCC REGULATIONS

All telecommunications structures must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government having authority over telecommunication structures and frequencies and shall not interfere with established FAA approved airports per this date of adoption.
(Ord. Passed 06-12-02) (Amend. Ord. Passed 03-10-10)

§ 113.12 EXPIRATION OF PRIOR APPROVALS

Any proposal to re-establish the telecommunication structure after failure to comply with restoration of facilities because of disrepair or neglect, shall be treated as a new application subject to the reviews, approvals and fees required by this ordinance.
(Ord. Passed 06-12-02) (Amend. Ord. Passed 03-10-10)

§ 113.13 LIABILITY FOR NONCOMPLIANCE

Nothing stated herein shall relieve the owner of a telecommunication structure from responsibility to maintain a safe telecommunications structure.
(Ord. Passed 06-12-02) (Amend. Ord. Passed 03-10-10)

§ 113.14 ABANDONMENT

- (A) A telecommunications structure may be determined to be abandoned because of discontinued use or falling into disrepair or noncompliance because of neglect of maintenance according to the standards set forth in this ordinance.
- (B) Abandonment because of discontinued use.
 - (1) A telecommunication structure shall be determined to be abandoned if the structure has no operating antenna from which to provide personal wireless services for a period of 6 months.
 - (2) A telecommunications structure shall also be determined to be abandoned if the structure becomes more than 25 percent damaged and the owner fails to repair the same within 6 months or if the structure falls into a like disrepair from vandalism, neglect, or collapse so as to discontinue all telecommunications provider for a period of 6 months.
 - (3) Within 90 days after notice from the governing authority that a structure has been considered abandoned, the owner of the structure shall either reestablish use of the site or remove all equipment, support structures and appurtenances.

- (4) If there are 2 or more single users of a telecommunications structure, this provision shall not become effective until all users cease using the telecommunications structure.
 - (C) Abandonment due to disrepair or noncompliance.
In the event a telecommunications structure falls into disrepair or noncompliance because of neglect or maintenance, the structure shall be determined to be abandoned if repairs are not affected to restore compliance within 30 days after written notice of noncompliance.
 - (D) Removal of Abandoned Telecommunication Structure and Antennas.
Prior to the abandonment of any telecommunications structure or antennas, a copy of the notice of Intent to Abandon required by the FCC shall be also submitted to the Planning and Development Department and the Board of Commissioners, and a demolition permit must be applied for.
 - (1) Any such removal shall be in the manner provided in Sections 41-2-8 through 41-2-17 of the Official Code of Georgia.
- (Ord. Passed 06-12-02) (Amend. Ord. Passed 03-10-10)

Development Standards for Telecommunications Structures

The goal of the development standards for telecommunications structures shall be to minimize the visual impact of all proposed towers, through the use of camouflage and compatible design with the surrounding landscape and associated structures.

§ 113.15 SITE PLAN APPROVAL

All applicants for new telecommunication structures shall be required to submit a scaled site plan, which complies with all applicable requirements of the Development Standards. The same site plan may be used for both the Special Exception application and the Building Permit application.

- (A) Additional information indicated on the site plan must include, total telecommunications structure height, including antennas, type and design of all telecommunications structure facilities, including equipment buildings or cabinets, maximum effective radiated power, landscaping and buffer requirements, setbacks, fencing, zoning of adjacent property and other information necessary to assess compliance with this ordinance. A licensed professional engineer shall certify any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical. Site plan submittals shall include completion of required applications, signed and notarized by both the property owner and the telecommunications structure company representative and/or agent.
- (B) Required site plan contents.
All site plans shall be prepared by a registered architect, registered landscape architect, or professional engineer. All site plans shall be on maximum 24" x 36" sheets and shall be prepared at a sufficient scale to show:
 - (1) The location and boundaries of the lot, adjacent streets or ways, and the location and owner's names of all adjacent properties.
 - (2) Existing and proposed topography including contours, the location of wetlands, streams, water bodies, drainage swales, areas subject to flooding, and unique natural land features.
 - (3) Existing and proposed structures, including dimensions and elevations.

- (4) The location of parking and loading areas, driveways, walkways, access and egress points.
- (5) The location and description of all proposed septic systems, water supply, storm drainage systems, utilities, and refuse and other waste disposal methods.
- (6) Proposed landscape features including the location and a description of screening, fencing, and planting.
- (7) The location, dimensions, height, and characteristics of proposed signs.
- (8) Proximity of the telecommunication structure to the nearest off-site residential structures.
- (9) Distance from nearest proposed or existing telecommunications structure over 75 feet in height (includes all county and city zoning jurisdictions).
- (10) Co-locator (company and representative names)
- (11) Landscape, Buffer and Screening Requirements. The site or a separate landscape plan shall show locations of existing structures, trees and other significant site features, and indicate type and location of plant materials used to screen telecommunications structure components and shall show proposed colors for the telecommunications structure. Refer to Section 113.18(D) and Chapter 164 for buffer landscape requirements. Existing on-site vegetation shall be preserved or improved, and disturbance of the existing topography shall be minimized, unless such disturbance would result in less visual impact of the site to the surrounding area.

(Ord. Passed 06-12-02) (Amend. Ord. Passed 03-10-10)

§ 113.16 NEED AND AVAILABILITY OF SUITABLE EXISTING TELECOMMUNICATIONS STRUCTURES

The need for a new telecommunications structure must be described by identifying service deficiencies. No new telecommunications structure shall be authorized unless the applicant reasonably demonstrates that no existing telecommunications structure or structures, or alternative structure or structures, can accommodate the applicant’s proposed antennas. All evidence shall be signed and sealed by appropriate licensed professionals or qualified industry experts.

- (A) The Radio Frequency search ring shall be used to determine the location of the applicant’s request. The applicant shall submit the determination of feasibility of the selected site, and the report identifying other structures and parcels that were considered, contacted, and the reasons for elimination. These documents shall be certified by a licensed Radio Frequency Engineer.
- (B) The following shall be required to sufficiently demonstrate that no existing or planned telecommunications structure can accommodate the proposed antennas:
 - (1) Existing telecommunications structures do not have sufficient structural strength to support applicant’s proposed antenna and related equipment; or
 - (2) The applicant’s proposed antennas would cause electromagnetic interference with the antenna on the existing telecommunications structures, or the antennas on the existing telecommunications structures or structures would cause interference with the applicant’s proposed antennas; and
 - (3) The fees, costs, or contractual provisions required by the owner in order to share an existing telecommunications structure or to adapt an existing telecommunications

structure for sharing are unreasonable. Costs exceeding new telecommunications structure development are presumed to be unreasonable.

- (C) Each applicant for a telecommunications structure or antenna shall contact the owners of all existing and planned telecommunications structure sites, including those located within the zoning jurisdictions of municipalities and/or other counties, that are within the service operating area of the applicant's proposed telecommunications structure or antenna location, provide the Zoning Administrator with an inventory of said telecommunications structure sites at the time of application submittal. The inventory must include the following information:
- (1) All property owners and the lessees for each telecommunications structure site;
 - (2) The site location, total height, and design type of each telecommunications structure;
 - (3) Details of all existing and any planned telecommunications structures or structures located within the geographical service area and the ability of such to meet the applicant's engineering requirements, including but not limited to, sufficient height, structural support strength, and electromagnetic interference with antenna(s) on the existing telecommunications structures or structures;
 - (4) Comparison of all fees or costs required to co-locate on an existing telecommunications structure or structure versus construction of a new telecommunications structure if proposed. Applicants shall submit in writing a detailed estimate of total co-location development costs of reach site and the estimated cost.
 - (5) Other limiting factors that render existing telecommunications structures and structures unsuitable; and
 - (6) Letters of rejection for requests to co-locate on all existing and planned telecommunications structures within the service area of the proposed telecommunications structure.
- (D) The Zoning Administrator may share such information with other applicants applying for approval under this ordinance or other organizations seeking to locate antennas within the jurisdiction of the governing authority, provided, however, that the Zoning Administrator is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
- (Ord. Passed 06-12-02)(Amend. Ord. Passed 03-10-10)

§ 113.17 VISUAL IMPACT STUDY

The visual impact study shall be submitted at the time of the Special Exception application. The purpose of the visual study is to provide a complete representation of the visual effect of the proposed telecommunications structure from affected properties and right-of-ways. A telecommunications structure shall be integrated into the existing terrain and surrounding landscape, and shall be designed to blend in with the existing characteristics of the abutting properties. To the extent feasible, the proposed structure shall minimize the use of wetlands, steep slopes, floodplain, minimize obstruction of scenic views, preserve unique natural and historic features, minimize tree, vegetation, and soil removal and grade changes, and screen objectionable features from neighboring properties and roadways.

- (A) All properties, residences and right-of-ways within a radius of 1,500 feet of the proposed structure shall be identified upon a diagram or map. The study shall include a picture or photograph that is taken from each affected property, residence, and right-of-way that

simulates or superimposes the image of the support structure, its height, and its equipment facilities from their approximate location. The study shall also include a color aerial photograph showing existing terrain, surrounding landscape, all residential development, and proposed tower site within 2,500 feet of the proposed structure.

- (B) The study may be used as evidence to demonstrate the advantageous or disadvantageous location of the proposed structure by simulating the visual impact upon the natural scenery and surrounding properties. In addition to the required visual impact study, the applicant shall provide additional pictures, photographs, or data as defined by the Director upon request.

(Ord. Passed 06-12-02) (Amend. Ord. Passed 03-10-10)

§ 113.18 SUPPLEMENTAL DESIGN REQUIREMENTS

- (A) Camouflage and color required.

Whenever possible, support structures and alternative telecommunications structures shall be designed to blend into the architecture of the building on which the same is placed through the use of color and camouflaging treatments, except where color is otherwise dictated by federal or state authority.

- (B) Attachment to trees prohibited.

It is prohibited to use any tree as a support for any telecommunications structures or antenna arrays, or to use any tree to attach any metal guy or cable supporting any antenna array.

- (C) Landscape and Buffer Requirements.

The telecommunications structure and related facilities shall be landscaped with a Type 1 landscaping buffer per Chapter 164 that shall consist either of adequate screening natural vegetation or a landscape strip a minimum of 10 feet in width surrounding the perimeter of the telecommunications structure and any accessory structures. The buffer shall be designed to screen the base of a support structure and equipment facilities, including fencing, from the view of adjacent properties and rights-of-way.

- (1) Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. If existing vegetation to remain is requested to count toward the landscaping requirements, all such information, including location, size, and type of vegetation shall be indicated on the site landscape plan.
- (2) Landscaping shall be installed on the outside of required fence.

- (D) Additional landscaping and buffer requirements:

- (1) In residential and agricultural zones, a Type 2 Landscaping Buffer per Chapter 164, running along the entire perimeter of the property, is required. Retention of existing trees on site in order to meet this requirement is encouraged. Grass or other ground cover species shall be planted on all areas of the buffer strip required which are not covered by other landscape material. The Director reserves the right to waive this requirement on lots with adequate screening natural vegetation.
- (2) In office/institutional and commercial/industrial/manufacturing districts, a perimeter buffer equivalent to a Type 1 Landscaping Buffer shall be required with the same requirements as set forth above.

- (E) Maintenance.

It will be the responsibility of the telecommunications structure provider to keep all landscaping material free from disease and properly maintained in order to fulfill the purpose for which it was established. Such maintenance shall include all actions necessary

to keep the buffer and landscape area free from litter and debris, to keep planting healthy, and to keep planting areas neat in appearance. Any vegetation or tree that constitutes part of the buffer or landscaping shall be replaced in the event that it dies.

(F) Lights.

Telecommunications structures shall not be artificially lighted, unless required by FAA or other applicable authority. Lighting may be required if the telecommunications structure is near a non-FAA controlled landing strip pending review by the enforcing officer or reviewing body. If lighting is required, the telecommunications structure shall not use white strobe lights after sunset unless expressly required by the FAA. The Board of Appeals and the Board of Commissioners may consider the available lighting alternative and approve the design that causes the least disturbance to the surrounding views.

(G) Additional anti-climbing measures.

Additional anti-climbing measures shall be utilized for support structures in residential districts when such structure has constructed thereon or attached thereto in any way any platform, catwalk, crow's nest, or like structure.

(H) Noise.

No equipment shall be operated at a telecommunications structure that produces noise levels above 45 dB as measured from any adjacent property or right-of-way line, except for emergency situations requiring the use of backup generator, during which noise levels may be exceeded on a temporary basis. No generator shall be used prior to commercial power being delivered to the site.

(I) Signs and Advertising.

The use of any portion of a telecommunications structure, accessories, or appurtenances for signage other than warning, equipment information, or owner identification and emergency contact information as required in this section, is prohibited.

(1) A sign containing identification information shall be attached to the gate on the security fence described in Section 113.18(K) below. The sign shall include the name and address of the owner and an emergency contact phone number.

(J) Electrical.

Support structures and antenna arrays shall be designed to conform with accepted electrical engineering methods and practices and to comply with the provisions of the National Electrical Code and all other applicable codes as amended.

(K) Security Fencing.

No equipment buildings or other equipment can be visible from the highway. All telecommunications structures, accessories and appurtenances shall be enclosed by a security fence of not less than 8 feet in height. The fence shall be equipped with an appropriate anti-climbing device; a 3 strand barbed wire or rolled razor wire attached to a security fence is an appropriate anti-climbing device. The fence shall have a sign attached in accordance with Section 113.18(I) above.

(L) Structural Integrity.

To ensure the structural integrity of telecommunications structures, the owner of a telecommunications structure shall ensure that the telecommunications structure can withstand a 100 m.p.h. wind, and a 6 inch snow load, and is maintained in compliance with standards contained in applicable local building codes and the Electronic Industries Association/Telecommunications Industries Standards for Steel Antenna Telecommunications structures and Antenna Supporting Structures (or equivalent), as

amended. If upon inspection, a telecommunications structure fails to comply with such codes and standards and constitutes a danger to persons or property in the opinion of the Director, then upon notice being provided to the telecommunications structure's owner, the owner shall have 30 days to bring such telecommunications structure into compliance with such standards. If the owner fails to bring such telecommunications structure into compliance within said 30 days, the governing authority may have the structure removed at owner's expense.

(Ord. Passed 06-12-02) (Amend. Ord. Passed 03-10-10)

§ 113.19 MINIMUM LOT SIZE

A telecommunications structure may be located on a leased portion of a parent parcel; however, the parent parcel must meet the minimum lot size requirements of the zoning district.

(Ord. Passed 06-12-02) (Amend. Ord. Passed 03-10-10)

§ 113.20 SETBACKS

A telecommunications structure shall meet setback requirements as set forth below:

- (A) For the purposes of determining setbacks for telecommunications structures, the dimensions and boundaries of the entire lot shall control, even though the antennas or tower may be located on leased parcels within such lot.
- (B) All new telecommunications structures located in any zoning district shall be a minimum of 1,000 feet from the nearest existing residence, excepting only the residence located upon the same tract as the telecommunications structure. The path shall be measured from the nearest point of the residential dwelling to the nearest point on the telecommunications structure. The landowner and any resident shall sign a hold harmless or release of liability statement provided by the County Attorney stating that they acknowledge the risks and release Pike County from responsibility for any and all possible effects as a result of allowing a telecommunications structure and system to be located and operated closer than 1,000 feet to existing residences.
- (C) All anchors for guyed telecommunications structures shall comply with the minimum setbacks of the zoning district upon which it is located.
- (D) Setbacks for Alternative Telecommunications Structures. Alternative Telecommunications Structures shall not mount antennas array or appurtenances so as to extend over property lines. Special exceptions for use of Alternative Telecommunications Structures may be granted by the Pike County Board of Appeals.

(Ord. Passed 06-12-02) (Amend. Ord. Passed 03-10-10)

§ 113.21 MAXIMUM HEIGHT OF TELECOMMUNICATIONS STRUCTURES

It is the intent of this section to encourage co-location efforts with existing telecommunications providers and telecommunication structure owners.

- (A) If the applicant submits evidence that reasonably demonstrates that the telecommunications structure shall be occupied by a single provider of personal wireless services, the maximum height of the structure shall be one 100 feet.
- (B) If the applicant submits evidence that reasonably demonstrates that the telecommunications structure shall be occupied by 2 personal wireless service providers, the maximum height of the structure shall be 125 feet.

- (C) If the applicant submits evidence that reasonably demonstrates that the telecommunications structure shall be occupied by 3 personal wireless service providers; the maximum height of the structure shall be 180 feet.
 - (D) If the applicant submits evidence that reasonably demonstrates that the telecommunications structure shall be occupied by 4 personal wireless service providers, the maximum height of the structure shall be 225 feet.
 - (E) If the applicant submits evidence that reasonably demonstrates that the telecommunications structure shall be occupied by at least 5 personal wireless service providers, the maximum height of the structure shall be 250 feet.
 - (F) To adequately demonstrate the occupancy by a provider(s) of personal wireless services on the proposed telecommunications structure, the applicant shall submit a contract or lease agreement with the personal wireless services provider, a letter of commitment to occupy within 60 days of receipt of a final inspection, or other similar documentation.
 - (G) If the applicant proposes to erect a broadcasting tower where technology requires the antenna or antennas to be located above 250 feet, applicant shall submit sufficient evidence to support such additional height and the Pike County Board of Appeals may consider the request for additional height in the form of a Variance Hearing prior to or concurrently with the Special Exception hearing, as per Section 113.23 (O).
- (Amend. Ord. Passed 03-10-10)

Special Exception and Variance Review Procedure

§ 113.22 ADMINISTRATIVE REVIEW

- (A) All applications for Special Exceptions and Variances shall first be submitted to the Zoning Administrator (Director) prior to applying for a Building Permit.
 - (B) Administrative review of the application shall ensure that the Applicant has submitted all required documents, reports, and certifications as set forth in this ordinance and Sections 156.026 and 156.027 of the Pike County Zoning Code.
 - (C) After the application is received by the Zoning Administrator and before a final decision is made, the Board of Appeals, Board of Commissioners, or Zoning Administrator may request additional information from the applicant. At that time, the zoning administrator shall place the application on hold until such time as the information is received. Upon receipt of said additional information, the Zoning Administrator shall remove the application from the holding status and reschedule the application for a public hearing.
- (Ord. Passed 06-12-02) (Amend. Ord. Passed 03-10-10)

§ 113.23 REQUIREMENTS FOR THE SPECIAL EXCEPTION PROCESS

Prior to processing of any Special Exception and/or Variance application for a telecommunications structure, the applicant (herein defined as a person or entity other than a local government) shall be required to file documentation and follow certain procedures as set forth in this section. The applicant shall be required to file an application with the Planning and Development Department that contains the following information:

- (A) An appropriate number of copies of a completed application shall be filed on forms prescribed by the Planning and Development Department.

- (B) The notarized signatures of the applicant and all property owners shall appear upon the application. In addition, persons having a security interest in the subject property must consent to the application.
- (C) The nonrefundable application fee, which has been established by resolution of the Board of Commissioners, shall be paid. A copy of the fee schedule shall be maintained for public inspection in the Planning and Development Department.
- (D) The applicant shall submit a current boundary survey and site plan, to scale, as set forth in Section 113.15. The applicant may submit the manufacturer's detailed plans and specifications along with the manufacturer's certification that the telecommunications structure has been constructed according to the plans and specifications.
- (E) Information demonstrating compliance with Section 113.16 identifying need for the proposed structure and the non-availability of suitable existing telecommunication structures or other structures set forth also in Section 113.16 and information showing that the proposed facility would provide the needed coverage or capacity.
- (F) An inventory of existing structure sites as set forth in Section 113.16.
- (G) A visual impact study as described in Section 113.17.
- (H) Information demonstrating compliance with the supplemental design requirements set forth in Section 113.18.
- (I) Equipment facilities shall be architecturally designed to blend in with the surrounding environment. Applicant shall submit a statement as to its efforts to blend its structure into the surrounding environment.
- (J) Air Navigation information to include all private and public airfields, landing strips and runways within a 5 mile radius of the proposed site. The applicant shall certify that he has conducted an aeronautical study on the navigable airspace within a 5 mile radius of the proposed site and that all Federal Aviation Administration requirements are adhered to.
- (K) Statement of Security. Applicant shall submit a diagram or information regarding the required fencing, and affirmation that all equipment shall be locked and secured to prevent unauthorized entry and a description how the structure is designed with anti-climbing features.
- (L) Certificate of Insurance. Applicant must produce a certificate of insurance demonstrating protection against claims for bodily injury, personal injury, and property damage in amounts not less than \$1,000,000.00 per occurrence and \$2,000,000.00 annual aggregate.
- (M) Community liaison officer. The applicant shall disclose the identity of a community liaison officer appointed by the applicant to resolve issues of concern to neighbors and residents relating to the construction and operation of the facility. Include name, address, telephone number, facsimile number, electronic mail address and pager number, if applicable.
- (N) The applicant shall submit any other information required by the Director or designee or other county departments which they deem necessary or desirable in processing the application, which is related to the present or proposed use of the property.
- (O) An applicant may apply for a Special Exception and Variance at the same time as long as all documentation is included and applicable requirements as set forth in this Ordinance are met.

The Board of Appeals shall consider the following criteria, including compliance with this ordinance, in determining whether to approve an application for a Special Exception.

- (A) Determination of whether the applicant is in conformity with goals set forth in this ordinance and the Comprehensive Plan;
 - (B) Height of the proposed telecommunications structure;
 - (C) Proximity of the telecommunications structure to residential structures and residential zoning district boundaries;
 - (D) Nature of uses on adjacent and nearby properties;
 - (E) Surrounding topography;
 - (F) Design of the telecommunications structure, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
 - (G) Proposed ingress and egress;
 - (H) Whether the proposed telecommunications structure will have an adverse or negative visual effect on the surrounding properties.
 - (I) Whether the proposed telecommunications structure will diminish any property values in the surrounding area; and
 - (J) Whether alternative sites will provide necessary coverage.
- (Ord. Passed 06-12-02)(Amend. Ord. Passed 03-10-10)

§ 113.24 STAFF REPORT

After the applicant has filed a Special Exception application for a telecommunications structure, the Zoning Administrator shall submit written recommendations and analyses. The staff report may include the following:

- (A) Whether the proposed telecommunications structure will have an adverse or negative visual effect on the surrounding properties.
 - (B) Whether the proposed telecommunications structure will diminish any property values in the surrounding area; and
 - (C) Whether alternative sites will provide necessary coverage.
- (Ord. Passed 06-12-02) (Amend. Ord. Passed 03-10-10)

§ 113.25 EARLY SUBMISSIONS OF ALL DOCUMENTARY AND DEMONSTRATIVE EVIDENCE

The intent of this section is to minimize and, to the extent possible, eliminate all surprise documents that applicant may submit during the public hearing. If the applicant intends to tender any documents, other tangible evidence, or demonstrative evidence that are not made part of the official zoning record in the custody of the Zoning Administrator, it shall be the duty of the applicant to provide a minimum of twelve copies of said documents (or make such evidence available for public viewing) to the Zoning Administrator 48 hours in advance of the date of the hearing. If the applicant does not comply with this section, the decision making body may table the application to a future scheduled meeting so that all parties may have an opportunity to review them.

(Ord. Passed 06-12-02) (Amend. Ord. Passed 03-10-10)

§ 113.26 STANDARDS FOR CONSIDERING APPLICATIONS FOR VARIANCE

The Board of Appeals shall have authority to grant an application for a Variance in cases where strict adherence to height, lot size, setback, separation or other standards for communications structures and antenna will cause an applicant an unnecessary hardship. Approval of a request

for a Variance shall be narrowly construed and shall be based on alternative locations, alternative telecommunications structures, and any co-location opportunities available.

(A) The Board of Appeals may hold the applicant for a Variance at a proposed site in an agricultural-residential or residential zone to a higher standard than nonresidential districts to demonstrate visual mitigation, elimination of potential adverse impacts and protection of health and safety necessary to preserve the agricultural and residential character of the community. The hardship shall be set forth in detail and presented in writing to the Board of Appeals.

(B) Criteria for Variance Decisions.

The Board of Appeals shall consider data and evidence relevant to the following criteria, including compliance with this ordinance, in determining whether to grant or deny a Variance:

- (1) The hardship must relate to a unique feature or condition of the property itself, as opposed to the personal needs of the property owner;
- (2) The regulation at issue must have a unique adverse impact upon the property;
- (3) The hardship may not be self-imposed;
- (4) The Variance shall not adversely affect surrounding properties or the character of the neighborhood;
- (5) The Variance shall not otherwise result in an adverse visual impact on the properties in the vicinity or on the community in general;
- (6) The Variance shall not be contrary to the public interest; or
- (7) The Variance is necessary to enable the landowner to make a reasonable use of the property.

(Ord. Passed 06-12-02) (Amend. Ord. Passed 03-10-10)

§ 113.27 ACTION BY BOARD OF APPEALS

(A) Following its public hearing on the application, the Board of Appeals may recommend for approval the application for a Special Exception presented in the application, recommend the proposed application for approval as revised or supplemented by conditions, recommend for denial the proposed application as presented in whole or in part, or table the proposed application for more evidence until a future meeting.

(B) Any recommendation by the Board of Appeals denying a request to place, construct, or modify a telecommunications facility shall be in writing and supported by substantial evidence in a written report.

(C) At any time after a hearing on a Special Exception application for a telecommunications structure, the Board of Appeals may request the Planning and Development Department, in consultation with legal counsel, to determine whether substantial evidence contained in a written record exists to support after recommendations for approval or denial of the Special Exception. Having voted to so instruct the Planning and Development Department, the Board of Appeals shall table the application until the specified date of a future regularly scheduled meeting of the Board of Appeals.

(D) In the intervening time between an instruction from the Board of Commissioners under Section 113.27(C) above, the Planning and Development Department shall compile any additional evidence regarding the application for the Special Exception that the Planning and

Development Department deems necessary to constitute the substantial evidence contained in a written record.

(Ord. Passed 06-12-02) (Amend. Ord. Passed 03-10-10)

§ 113.28 APPEALS

Appeals for Special Exceptions and Variances shall be made within thirty (30) days of the decision and by petition for certiorari to the Pike County Superior Court.

(Ord. Passed 06-12-02) (Amend. Ord. Passed 03-10-10)

§ 113.29 MINIMUM TIME BETWEEN APPLICATIONS

The minimum time between Special Exception applications shall be in accordance with the Zoning Code.

(Ord. Passed 06-12-02) (Amend. Ord. Passed 03-10-10)

§ 113.30 WITHDRAWAL OF APPLICATION

Withdrawal of all applications shall be in accordance with the Zoning Code.

(Ord. Passed 06-12-02) (Amend. Ord. Passed 03-10-10)

§ 113.31 NO OFFICIAL RECOMMENDATION

In the event of a tie vote or a non-majority vote from the Board of Appeals that results in no official recommendation on a decision related to a Special Exception application for a telecommunication structure, the application shall still be forwarded to the Board of Commissioners for a final action, as per Zoning Code Section 156.027.

(Ord. Passed 06-12-02) (Amend. Ord. Passed 03-10-10)

Legal Status Provisions

§ 113.32 NONCOMPLIANCE

Noncompliance or characteristics of structures and site development created by the application shall not in any way limit the legal use of the property, nor in any manner limit the repair, maintenance, or reconstruction of a non-complying characteristic or feature; however, in no instance shall the degree of noncompliance be increased unless otherwise permitted by this Ordinance.

(Ord. Passed 06-12-02) (Amend. Ord. Passed 03-10-10)

§ 113.33 NOTICE

Notice of violations will be sent by registered mail to the owner and he will have 30 days from the date the notification is issued to make repairs. The owner and telecommunications provider shall notify the Director that the repairs have been made, and as soon as possible thereafter, another inspection will be made and the owner and telecommunications provider notified of the results.

(Ord. Passed 06-12-02) (Amend. Ord. Passed 03-10-10)

§ 113.34 VIOLATIONS

Any person who shall violate any of the provisions of this Ordinance shall be subject to misdemeanor prosecution as authorized by State Law and the Code of Pike County, Georgia and, any penalty shall include a fine for an amount determined by Pike County Magistrate Court. (Ord. Passed 06-12-02) (Amend. Ord. Passed 03-10-10)

§ 113.35 INTERPRETATION

It is not the intention of this Ordinance to interfere with, abrogate, or annul any covenant or other agreement between parties, provided, however, where this Ordinance imposes a great restriction upon the use or premises for antenna array or telecommunications structures than is imposed or required by other ordinances, rules, regulations, or permits, or by covenants or agreements, the provisions of this Ordinance shall govern. (Ord. Passed 06-12-02) (Amend. Ord. Passed 03-10-10)

§ 113.36 CONFLICT WITH OTHER LAWS

Whenever the regulations of this Ordinance require less height or greater setback lines or impose other more restrictive standards than are required in or under the Zoning Code or any other statute, the requirements of this ordinance shall govern. Whenever the provisions of the Zoning Code or any other statute requires more restrictive standards than those of this Ordinance, the provisions of the Zoning Code or such statutes shall govern. (Ord. Passed 06-12-02) (Amend. Ord. Passed 03-10-10)

§ 113.37 SEVERABILITY

In the event any article, 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 other articles, sections, subsections, sentences, clauses, or phrases of this ordinance, which shall remain in full force and effect, as if the article, section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional were not originally a part thereof. The governing authority hereby declares that it would have adopted the remaining parts of the ordinance if it had known that such part or parts hereof would be declared or adjudged invalid or unconstitutional. (Ord. Passed 06-12-02) (Amend. Ord. Passed 03-10-10)

§ 113.38 REPEAL OF CONFLICTING RESOLUTIONS

All resolutions and parts of resolutions in conflict with this resolution are hereby repealed. (Ord. Passed 06-12-02) (Amend. Ord. Passed 03-10-10)