

## Article 8.0 Use Standards

### Sec. 8.9 Wireless Communications and Small Wireless Facilities

#### 8.9.1 Purpose

The purpose of this Section is to provide standards for the development of Wireless Communications Facilities (WCFs) for personal wireless services and to establish reasonable regulations for the installation, construction, maintenance, renewal, removal, and relocation of pipes, mains, conduits, cables, wires, poles, towers, traffic and other signals, and other equipment, facilities, or appliances in, on, along, over, or under the public roads of the City for Small Wireless Facilities (SWF) to:

a. Promote and protect the health, safety and ~~general~~ welfare of the public by regulating the siting of and establishing development standards for WCFs and related equipment and infrastructure.

b. Reasonably manage and protect the rights of way and its uses in the City.

~~b.~~ c. Minimize the impacts of WCFs on surrounding areas by recognizing the variety of facilities and establishing standards for location, aesthetics, structural integrity and compatibility.

~~c.~~ d. Encourage the location and collocation of wireless communication equipment on existing structures thereby minimizing new visual, aesthetic and public safety impacts, effects upon the natural environment and to reduce the need for additional WCFs.

~~d.~~ e. Encourage coordination between suppliers and providers of personal wireless services in the City.

~~e.~~ f. Follow and promote the policies embodied in Section 704 of the Federal Telecommunications Act of 1996 in such a manner as to not unreasonably discriminate between providers of functionally equivalent personal wireless services or to prohibit or have the effect of prohibiting personal wireless services in the City.

~~f.~~ g. Promote the orderly development of communications infrastructure through coordination of master plans among the County, City and participating personal wireless service providers.

~~g.~~ h. Protect the beauty and character of the City, particularly Residential districts, recognized historic areas, and scenic vistas and landscapes, while meeting the needs of its citizens to enjoy the benefits of personal wireless services.

~~h.~~ i. Encourage the use of public lands, buildings and structures as locations for WCFs as a method to establish a precedence of quality concealment products that will minimize the aesthetic impact of related infrastructure.

- i. j. Ensure that applicable goals and objectives of the Chatham County-City of Savannah Comprehensive Plan are addressed.

**k. Implement the Georgia Streaming Wireless Facilities and Antennas Act (SWFAA).**

**l. Ensure use of the public rights of way is consistent with the design, appearance and other features of nearby land uses, protects the integrity of historic, cultural and scenic resources and does not harm residents' quality of life.**

## 8.9.2 Applicability and Exemptions

### a. Applicability

This Section shall apply to the installation, construction, ~~or modification,~~ maintenance, renewal, removal and relocation of pipes, mains, conduits, cables, wires, poles, towers, traffic and other signals, and other equipment, facilities, or appliances in, on along, over, or under the public roads of the City or modification of the following WCFs:

- i. Existing antenna support structures.
- ii. Proposed antenna support structures.
- iii. Replacement and modification of existing antenna support structures.
- iv. Collocation or combining on existing antenna support structures.
- v. Attached WCFs.
- vi. Concealed WCFs.
- vii. Temporary WCFs.
- viii. Distributive antenna systems.
- ix. Small ~~cell installations~~ wireless facilities.

### b. Exemptions

The following uses are exempt from the requirements of this Section notwithstanding any other provision of this Ordinance, and are subject to all applicable building code compliance and building permit reviews:

- i. Non-commercial, amateur radio antennas.
- ii. Single-use local radio dispatch.
- iii. Television antennas for home reception use.
- iv. Satellite dishes that are one (1) meter (39.37 inches) or less in diameter in all Residential districts and two (2) meters or less in all other zoning districts.
- v. Antenna support structures, antennas and/or antenna arrays for AM/FM/TV/HDTV broadcasting transmission facilities that are licensed by the FCC.
- vi. A temporary, commercial WCF, upon the declaration of emergency by Federal, State or local government, or determination of public necessity by the City, and approval by the City Manager; except that such WCF must comply with all Federal and State requirements. The exemption may continue up to 180 days after the duration of the state of emergency with the approval of the City Manager.
- vii. A temporary commercial WCF for the purposes of providing coverage of a special

event such as news coverage or sporting event, subject to approval of the City Manager, except that such WCF must comply with all federal and state requirements. The exemption may continue up to seven (7) days after the duration of the special event.

**viii.** Any modification not described in described in Sec. 8.9.6.

### **8.9.3 Wireless Communications Facilities Master Plan**

Reserved

### **8.9.4 Submittal Requirements**

An application for a WCF shall include the applicable items listed in this section, in addition to other requirements within this Section.

#### **a. Authorization from Co-Applicants**

For all facilities, all parties with an ownership interest, including the land owner, support structure owner, and facility owner shall be co-applicants and be bound by and comply with all terms, limitations, requirements and conditions that are part of this Section and of any permit issued. The WCF applicant shall provide signed authorization from co-applicants allowing the application.

#### **b. Address**

All applicants and co-applicants shall keep the MPC notified of their current mailing address and shall advise the MPC of any change in mailing address within 30 days of such change.

#### **c. Evidence of Need Report**

For all WCFs, a report certified by a radio frequency engineer shall be provided that demonstrates that no existing WCF can accommodate the applicant's proposed facility due to technical or physical circumstances, or that existing facilities would prohibit personal wireless services in the area to be served by the proposed WCF. The following information shall be provided with the report:

**i.** Identification of efforts to comply with the facility and location hierarchy in Sec. 8.9.5.a. If the highest-ranking facility type (concealed attached) is not proposed, the applicant must demonstrate that existing facilities or the mitigation of existing facilities within the applicant's Geographic Search Area (GSA) cannot be reasonably made to accommodate the applicant's need because:

- (1)** There are no existing WCFs in the GSA that meet the applicant's engineering requirements, and why.
- (2)** The existing WCFs, buildings and structures in the GSA are not of sufficient height and cannot be increased in height to meet the applicant's engineering requirements.
- (3)** The existing WCFs, buildings and structures in the GSA do not have sufficient structural strength and cannot be structurally improved to support the applicant's proposed WCF and related equipment. Such information shall be certified by a

Georgia-licensed professional engineer.

(4) There are other limiting factors that render existing WCFs in the GSA unsuitable.

ii. Graphics to be provided shall include:

- (1) A map of the GSA to include the location of the proposed WCF and all existing WCFs (including those not owned by the applicant). The exact location of the facility (in longitude and latitude, to degrees, minutes and seconds to the nearest tenth) including the height of the antenna support structure and height, type and number of antennas shall be provided.
- (2) A color plot demonstrating the existing coverage of all WCFs owned by the applicant within the GSA.
- (3) A color plot demonstrating the existing coverage of all WCFs owned and proposed by the applicant within the GSA.
- (4) Additional maps and calculations as may be deemed necessary by the Planning Director.

iii. Any additional information that may be requested of the applicant or provided by the applicant to prove need for the proposed WCF.

**d. Site Development Plan**

For freestanding WCFs and when a proposed WCF will create a site modification, a site plan (no larger than 24 inches by 36 inches with an 8.5 inch by 11 inch reduced copy) prepared and certified by a Georgia-licensed professional engineer shall include all information listed on the WCF application checklist. Other site plan related information shall include:

**i. Existing and Proposed Access**

Existing or proposed public rights-of-ways, private roads and/or access easements through, on, or adjacent to the subject property. The proposed access driveway or roadway and parking area at the WCF site shall be shown, to include grading, drainage and traveled width and type of surface materials proposed. Parking shall also be shown.

**ii. Landscape Plan**

Landscaping is to be provided in accordance with Sec. 8.9.5.d. The method of irrigation and any proposed removal of vegetation shall be identified.

**iii. Drainage**

Plans for drainage of surface and sub-surface water to control erosion and sedimentation both during construction and as a permanent measure.

**iv. Utilities**

Proposed utilities, including distance from power source, sizes of service available and required, locations of any proposed utility or communications lines and whether utilities will be above ground or underground.

**e. WCF Plan**

For all WCFs, a plan (no larger than 24 inches by 36 inches with an 8.5 inch by 11 inch reduced copy) shall include a diagram of the proposed facility and antenna(s), including:

- i. Elevation of the antenna and/or antenna support structure to include the following proposed dimensions: height, width and breadth. Height shall include the base, the antenna support structure, and lightning rod.
- ii. Elevation views of security barrier or equipment compound, indicating architectural design, exterior appearance and materials, including color. Equipment enclosures shall be consistent with one of the alternatives identified in Sec. 8.9.5.e.
- iii. Mounting location on antenna support structure on building, including height.
- iv. If a concealed or non-concealed attached WCF is proposed, identification of all mounting frames, arms, brackets or other devices or equipment used to hold antennas and other equipment in place.
- v. Equipment brochures or drawings for the proposed facility shall be provided for antennas, support structures/mounts, equipment shelters, feed lines and security barrier, if any.
- vi. If a freestanding WCF is proposed, it shall be demonstrated that the structure will be able to accommodate additional facilities as identified in Sec. 8.9.5.i.

**f. Visual Impact Analysis**

For all freestanding non-concealed WCFs, a visual impact analysis shall be performed. All or a portion of the analysis shall be performed for other WCFs when, in the opinion of the Planning Director, the proposed type of WCF and its location requires additional assessment (i.e., within a Residential district, recognized historic area, or scenic vista/landscape). The analysis shall include the following:

**i. Line-of-Sight Analysis**

The applicant shall provide a line-of-sight analysis, including elevation views of the proposed facility. The analysis shall include a description of natural and man-made features that affect the buffering of the potential visual impact of the structure.

**ii. Photo Simulations**

The applicant shall provide photo-simulated post-construction renderings of the completed proposed antenna support structure, equipment compound and/or equipment cabinets, ancillary structures, and landscaping, if any, from locations determined at the pre-application conference. The views shall incorporate before and after scenarios, a scaled color image of the proposed type of facility, an aerial map with the location of the selected views, and a description of the technical approach used to create the photo simulations. The simulations shall include a minimum of four (4) vantage points (north, south, east and west).

**iii. Balloon Test**

A balloon test may be required subsequent to the receipt of the photo simulations in order to demonstrate the proposed height of the WCF. The applicant shall arrange to raise a colored balloon (no less than three (3) feet in diameter) at the maximum height of the proposed WCF and within 50 horizontal feet of the center of the proposed antenna support structure.

The date, time and location of the balloon test shall be advertised by the applicant at least seven (7) but no more than 14 days in advance of the test date in the official legal organ for the City of Savannah. The applicant shall inform the Planning Director and abutting property owners in writing of the date and times of the test at least 14 days in advance. The balloon shall be flown for at least two (2) consecutive hours during daylight hours on the date chosen. The applicant shall record the weather during the balloon test.

**g. Documentation from Applicable Regulatory Agencies**

For all WCFs, copies of all applicable licenses or approvals, if available, as required by the FCC and any other agency of the government with authority to regulate WCFs to include the following at the time of submission:

- i. A letter from the FAA establishing the maximum antenna support structure height or a written statement prepared a professional airspace safety consultant predicting the maximum height likely to be approved by the FAA.
- ii. A copy of Form 600 on file with the FCC; or FCC license (Radio Authorization Form).
- iii. Evidence of compliance with applicable FAA requirements under 14 C.F.R.s.77, as amended, which may be a copy of the FAA Notice of Proposed Construction.
- iv. A compliance letter from the Historic Preservation Division of the Georgia Department of Natural Resources.

**h. Radio Frequency Engineer Qualifications**

For all WCFs, a curriculum vitae shall be provided for the radio frequency engineer who certifies any documentation provided as part of the application for a WCF. Information shall include education obtained in the area of radio frequency engineering, and experience in the field, including length of time.

**i. Fees**

In addition to any other fees required by the City, applicants shall pay a fee to cover the actual cost and the administrative fee for consulting services that may be required by the City and/or MPC to evaluate any technical aspect of the WCF application.

**8.9.5 Additional Standards**



To ensure compatibility with surrounding land uses, protect public safety and natural, cultural and scenic resources and preserve and enhance the character of neighborhoods, all WCFs subject to this Section shall be located, developed and operated in compliance with the following:

**a. Siting and Location**


WCFs are allowed in all zoning districts, subject to the limitation set forth herein. Siting of WCFs shall be in accordance with a hierarchy of facility alternatives. If a WCF is proposed that is a lower-ranking facility than the most preferred facility type (concealed attached), an Evidence of Need Report as specified in Sec. 8.9.4.c. shall be provided. Whenever feasible, a new facility, not to include collocation or combined antennas,



should be located on City property to ensure that regular maintenance of the facility, as required by Sec. 8.9.7, is occurring.

**Table 8.9-1 Hierarchy by Facility Type**

Priority	Facility Type	Example
Most Preferred	Concealed Attached <sup>[1]</sup>	
	Collocated or Combined on Existing Antenna Support Structure or on Athletic Field Light Poles or Water Tanks (at least 50 feet in height) <sup>[2]</sup>	

**Table 8.9-1 Hierarchy by Facility Type**

Priority	Facility Type	Example
	Concealed Freestanding	

	<p>Non-concealed Attached <sup>[3]</sup></p>	
<p style="text-align: center;">↓</p> <p style="text-align: center;">Least Preferred</p>	<p>Non-concealed Freestanding (Monopole Only) <sup>[4]</sup></p>	



- <sup>11</sup> An applicant does not have to provide a concealed attached facility if collocation on an existing antenna support structure or other structure (i.e., athletic field light pole or water tank) is available within the applicant’s geographic search area provided that the structure is not located within a Residential district, recognized historic area or within the scenic vistas/landscapes identified in Sec. 8.9.5.h unless approved by the Planning Commission. DAS and small **cell installations wireless facilities** are subject to applicable design review as part of a Local System Master Plan.
- <sup>12</sup> DAS and small **cell installations wireless facilities** may collocate on a utility structure less than 50 feet in height provided that the height of the utility structure is not increased by more than five (5) feet.
- <sup>13</sup> May be allowed within a recognized historic area with Planning Commission approval, but not on a contributing structure.
- <sup>14</sup> Not allowed within a Residential district, a recognized historic area or within 100 feet of either. A setback waiver may be requested if the criteria in Sec. 8.9.5.c.i.(2) can be met.

**b. Height**

**i. General**

Height shall be measured as specified in Sec. 4.1.8.

**ii. Height, Maximum**

Table 8.9-2 Maximum Height by Type of Facility	
Maximum Height by Type of Facility	
Type of Facility	Maximum Height
Concealed Attached	Shall not exceed the height of the structure on which the facility is attached by more than 20 feet.
Non-concealed Attached	Shall not exceed the height of the structure on which the facility is attached by more than 20 feet.
Collocation or Combined on Existing Structure (General)	A new WCF located on any of the following structures existing on the effective date of this Section shall be exempt from height restrictions provided that there is no increase in height of the existing structure as a result of the installation: water towers, guyed structures, lattice structures; police, fire, ambulance and other emergency dispatch and public works structures and monopoles.
Collocation on Existing Structure at least 50 feet in height (Utilities)	A new WCF located on any utility structure shall be exempt from height restrictions of this Section provided that there is no more than a 20-foot increase in the height of an existing structure as a result of the installation.  DAS and small- <b>cell installations wireless facilities</b> , may collocate on a utility structure less than 50 feet in height provided that the height of the utility structure is not increased by more than five (5) feet.
Collocation on Existing Buildings and Structures (Legal Nonconforming)	A WCF may locate on a building or structure that is legally non-conforming with respect to height, provided that the facility does not project above the existing height by more than 20 feet.
Concealed Freestanding	Shall not exceed 45 feet above the maximum allowable zoning district building height or a total of 100 feet, whichever is less.

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Non-concealed Freestanding (Monopole)	Up to 199 feet provided that the applicant has provided evidence of need.

**iii. Height, Flexibility**

The Planning Commission may approve additional height beyond the maximum allowed if findings can be made that siting of the proposed WCF is appropriate to the context of the proposed location using the criteria listed in Sec. 8.9.5.d.

**c. Setbacks**

All WCFs and their equipment enclosures and ancillary structures shall comply with the setback provisions of the zoning district in which the WCF is located. In addition, the following setbacks shall be observed:

**i. Setbacks Required**

- (1) In order to ensure public safety, the minimum distance from the base of any non-concealed freestanding WCF to any property line, road, dwelling, commercial or institutional use or public recreational area shall be the height of the antenna support structure, including any antennas or other appurtenances, if the WCF has not been constructed with breakpoint design technology.
- (2) The setback may be reduced by the Planning Commission if documentation filed by a Georgia-licensed professional structural engineer certifies that the WCF utilizes breakpoint design technology. The minimum setback shall be equal to 110% of the distance from the top of the structure to the breakpoint level of the structure, plus the minimum setback distance of the zoning district. For example, a non-concealed WCF of 100 feet in height with a breakpoint at 80 feet, the minimum setback would be 22 feet (110% of 20 feet-the distance from the top of the WCF) plus the minimum setback for the zoning district.
- (3) The Planning Commission may waive all or part of a required setback if the applicant can demonstrate that the proposed facility will be the least visually obtrusive profile, will not detract from the beauty and/or character of the area in which the WCF is proposed, and will not cause a public safety issue.
- (4) Setbacks from Residential districts, recognized historic areas, and certain scenic vistas and landscapes for non-concealed freestanding WCFs, as described in Sec. 8.9.5.h, are also required. If more than one standard applies, the more restrictive standard shall govern.

**ii. Setback not Required**

A setback is not required by this Section for concealed freestanding and attached WCFs. However, the setback provisions of the base zoning district shall apply. In the case of pre-existing non-conforming structures, a WCF (including its equipment compound and/or cabinetry and ancillary structures) shall not increase any non-conformities, except as provided in Sec. 8.9.9.

(5) Aesthetics / Visibility

Table 8.9-3 Visibility of Facility

Screening and/or Concealment Techniques	Applicable WCF	Explanation
Design	<p>Concealed Attached</p> <p>Concealed Freestanding</p>	<p><b>Concealed Attached:</b> Feed lines and antennas shall be designed to architecturally match the façade, roof, wall or structure on which they are affixed in order to blend in with the existing structural design, color and texture and in order to provide the least visually obtrusive profile.</p> <p><b>Concealed Freestanding:</b> Such facility shall blend into its surroundings through design and siting that is appropriate and typical to the context of the proposed location. Such facility shall also be designed to appear as a structure that would be allowed in the zoning district in which it is proposed to be located and that is customary to the location (e.g., a smokestack would not be allowed in a residential district). Examples of concealed facilities include chimneys, steeples, clock towers, light poles, and flag poles. Guyed structure and lattice structure construction is not allowed.</p>
Existing Buildings and Structures	<p>Non-concealed Attached and Combined</p> <p>Non-concealed Freestanding</p>	<p><b>Roof Mount:</b> When a WCF extends above the roof height of a building on which it is mounted, the WCF shall be camouflaged within or behind existing architectural features to limit the visibility from public rights-of-way. The WCF should be stepped back from the façade in order to limit its impact on the building’s silhouette.</p> <p><b>Side Mount:</b> The WCF shall blend with the building’s existing architecture and shall be painted or shielded with material which is consistent with the design features and materials of the building.</p> <p>DAS and Small <del>Cell Installations</del> <u>Wireless Facilities</u>: If not visible from public rights-of-way or designed to resemble normal architectural features of the structure to which it is attached.</p> <p><b>Freestanding Non-concealed:</b> To the extent possible, existing buildings and structures should be used to screen a WCF from rights-of-way.</p>

Existing and Proposed Vegetation	<p>Non-concealed Freestanding</p> <p>Non-concealed Attached</p> <p>Collocation and Combined</p>	<p><b>Non-concealed Freestanding:</b> The perimeter of the WCF shall be at least 15 feet in width for landscaping and include:</p> <ol style="list-style-type: none"> <li>a. a row of evergreen trees a minimum of 10 feet in height at the time of planting with a minimum two-(2) inch caliper, spaced a maximum of 12 feet apart; and,</li> <li>b. a row of evergreen shrubs a minimum of two (2) feet tall at the time of planting, planted four (4) feet on center.</li> </ol> <p>Within a year of planting, the trees and shrubs shall achieve 80% opacity of the security barrier and/or equipment enclosure. Existing trees and vegetation may be used as an alternative or in combination with new plantings to achieve the opacity requirement subject to approval of the Planning Commission upon a recommendation of the City Manager or his or her designee. An easement may be required to ensure that vegetation remains intact.</p> <p><b>Non-concealed Attached:</b> To the extent possible, vegetation should be used to screen a WCF from full view.</p> <p><b>Collocation and Combined:</b> If the equipment compound and/or landscaping is not in compliance with this Section, compliance shall occur at the time of antenna installation. Landscaping compliance may be waived, wholly or partially, if the site lacks sufficient area.</p>
Color	<p>Non-concealed Freestanding</p> <p>Attached Non-concealed</p> <p>Collocation and Combined</p>	<p><b>Non-concealed Freestanding:</b> The WCF shall maintain a galvanized gray finish or the Planning Commission may accept other contextual or compatible color, except as required by federal rules or regulations.</p> <p><b>Non-concealed Attached:</b> The WCF shall be painted and/or constructed of materials to match the color of the building or structure on which it is attached, except as required by federal rules or regulations.</p>
Antenna	<p>Non-concealed Freestanding</p>	<p>The first antenna placement, and all subsequent collocated antennas, on new antenna support structures shall be flush-mounted, unless it is demonstrated through RF propagation analysis that such antennas will not meet the network objectives of the desired coverage area.</p>

To protect the beauty and character of the City, particularly Residential districts, recognized historic areas and certain scenic vistas and landscapes as identified herein, all facilities shall be screened to the greatest extent possible. Screening shall occur through the use of design, existing buildings and structures, existing and proposed vegetation, appropriate materials and color. Unlike non-concealed facilities, concealed facilities shall not be identifiable as a WCF.

**e. Equipment Compound and/or Equipment Cabinetry**

Equipment related to the operation of a WCF shall be hidden and/or screened from public view by one or more of the following techniques, which shall also be consistent with the aesthetic/visibility standards identified in Sec. 8.9.5.d.:

**i. Ground equipment, including platforms**

One or more of the following techniques can be used to hide and/or screen equipment:

- (1) Locate equipment underground. If a non-concealed freestanding WCF is proposed, an opaque security barrier consisting of brick, masonry, or other material approved by Planning Commission shall be installed around the antenna support structure that will prevent unauthorized access to the structure. Landscaping as identified in Sec. 8.9.5.d. shall be provided.
- (2) Locate equipment within a building. The building shall be designed to be consistent with the prevailing architectural style of the neighborhood in which it is located, including exterior materials and roof pitch. The enclosure shall not exceed one story, unless location in a flood plain or other drainage concerns requires it to be elevated.
- (3) Locate equipment behind a secured, landscaped perimeter. An evergreen landscape buffer shall surround the perimeter of the WCF. If this method is selected, the buffer requirements identified in Sec. 8.9.5.d. apply. Additionally, an opaque fence or wall shall be constructed to minimize opportunities for unauthorized access, climbing, vandalism, graffiti and other conditions that would result in hazardous conditions, visual blight and attractive nuisances. The fence or wall shall be no less than the above grade height of any equipment within the enclosure, which shall not be taller than one story, unless located in a flood zone.

**ii. Roof-top equipment**

Equipment shall be screened from public view in a manner that is consistent with the architectural style of the building upon which the WCF is located.

**f. Lighting and Signage**

- i. Wireless communications facilities taller than 199 feet shall be lit according to FAA standards, including light intensity and flashes per minute. When applicable, dual lighting systems shall be employed. This dual lighting system includes red lights (L-864) for nighttime and medium intensity flashing white lights (L-865) for daytime and twilight use. This lighting system may be used in lieu of operating a medium intensity flashing white light system at night.
- ii. Free-standing wireless communications facilities between 100 and 199 feet shall be equipped with the following:
  - (1) Red lights (L-864) for nighttime (only) – strobe lighting of any kind is not permitted; and,
  - (2) White reflective tape/sheeting installed at 20 feet above ground level and

continuing upward at ten foot intervals.

- iii. Wireless communications facilities less than 100 feet shall be lighted only if required by the FAA and shall not exceed the minimum standard required by the FAA. Non-daytime strobe lighting shall not be allowed unless specifically required by the FAA.
- iv. Lighting of equipment enclosures and other ancillary structures on site shall be shielded from adjacent properties. The foot candle measurement at property lines shall be no more than 1.0 foot candle when measured at grade. FAA required lighting is exempt from this requirement.
- v. Signs shall be limited to those needed to identify the WCF, the owner, the party responsible for the operation and maintenance (including address and telephone number), to warn of danger and to comply with applicable federal regulations. Such signage shall be visible and legible at ground level.

**g. Recognized Historic Areas**

- i. Freestanding WCFs within a recognized historic area shall be concealed. Attached WCFs proposed for existing structures shall also be concealed unless it can be demonstrated that the facility will not be visible from ground level.
- ii. Any WCF located attached to or within an historic building or structure shall not alter the character-defining features, distinctive construction methods or original historic materials of the building or structure.
- iii. A Certificate of Appropriateness is required.

**h. Scenic Vistas and Landscapes**

To preserve scenic vistas and landscapes, any non-concealed freestanding WCF shall:

- i. Not be developed on a hammock or back-barrier island.
- ii. Be separated from the following areas by the following distances:
  - (1) Residential districts, conforming residential uses, recognized historic areas: 100 feet.
  - (2) Public rights-of-way: 100 feet.
  - (3) Protected and Restricted Roadways as identified in this Ordinance: 300 feet.
  - (4) Amenity corridors as identified in the 2030 Long Range Transportation Plan: 300 feet.
  - (5) Marshes, to include estuarine waterways and/or Spartina marshes: 500 feet. The distance shall be measured from the jurisdiction line established by the Georgia Department of Natural Resources.
  - (6) Protected river corridors as identified in the River Corridor Protection Act (O.C.G.A. 12-2-8, as amended):

500 feet. The distance shall be measured from the jurisdiction line established by the Georgia Department of Natural Resources.

- iii. The Planning Commission may waive all or part of separation distance if the applicant can demonstrate that the proposed facility will be the least visually obtrusive profile and not detract from the beauty and/or character of the scenic vistas and landscapes identified within this Subsection.

**i. Antenna Support Structure Multiple User Standards**

If a freestanding WCF is proposed, it shall be engineered and constructed to accommodate multiple users, as indicated below:

- i. Ninety (90) feet or less in height: at least three (3) antenna arrays.
- ii. More than 90 feet and up to 120 feet in height: at least four (4) antenna arrays.
- iii. More than 120 feet and up to 150 feet in height: at least five (5) antenna arrays.
- iv. More than 151 feet and up to 199 feet in height: at least six (6) antenna arrays.
- v. If the Planning Commission approves a height of more than 199 feet, additional antenna arrays may be required.

**j. Structural Integrity**

All WCFs and antenna support structures shall be designed to meet or exceed all federal, state and local building code requirements, including windloading and American National Standards Institute standards (EIA/TIA) Document 222-F, Structural Standards for Steel Antenna Towers and Supporting Structures, for the Wind Code Zone for Chatham County, Georgia and any state/county building codes (as they may be amended and/or updated from time to time). Structural integrity shall be certified by a Georgia-licensed professional engineer.

**k. Environmental Standards**

The following standards shall apply:

- i. Freestanding WCFs shall not be located in wetlands or wetlands buffers, whether federal or state designated.
- ii. Freestanding WCFs shall not generate noise in excess of 60dB at the property line. Attached WCFs shall not generate noise in excess of 60dB at ground level at the base of a habitable building closest to the facility.

**l. Safety Standards**

**i. Radiofrequency Radiation (RFR) Standards**

All equipment for a WCF shall be authorized per the FCC Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation. Documentation shall be provided that these guidelines will be met.

## **ii. Interference with Public Safety Communications**

(1) In order to facilitate the regulation, placement, and construction of a WCF and its interaction with public safety communications equipment, an applicant requesting such a facility shall agree in a written statement, to the following:

- (a) Compliance with FCC regulations regarding susceptibility to radio frequency interference (RFI), frequency coordination requirements, general technician standards for power, antenna, bandwidth limitations, frequency stability, transmitter measurements, operating requirements and any and all other federal statutory and regulatory requirements relating to RFI; and
- (b) In the case of collocation of facilities, the applicant, together with the owner of the site, shall provide a composite analysis of all users of the site to determine that the proposed facility will not cause RFI.

(2) When such a base station is identified as causing RFI, the following shall occur:

- (a) The governing jurisdiction shall provide notification to all WCF service providers operating in the jurisdiction of possible interference with the public safety communications equipment. Upon such notification, the owners shall use their best efforts to cooperate and coordinate with the jurisdiction and among themselves to investigate and mitigate the interference, if any, utilizing the procedures set forth in the joint wireless industry-public safety Best Practices Guide, released by the FCC in February 2001, including the Good Engineering Practices, as may be amended by the FCC from time to time.
- (b) If any WCF provider fails to cooperate with the governing jurisdiction in complying with the owner's obligations under this Section or if the FCC makes a determination of RFI with the governing jurisdiction's public safety communications equipment, the owner who fails to cooperate and/or the owner of the WCF which caused the interference shall be responsible, upon FCC determination of radio frequency interference, for reimbursing the governing jurisdiction for all costs associated with ascertaining and resolving the interference including, but not limited to, any engineering studies obtained by the jurisdiction to determine the source of the interference. For the purposes of this subsection, failure to cooperate shall include failure to initiate any response or action as described in the Best Practices Guide within 24 hours of the governing jurisdiction's notification.

### **8.9.6 Modifications**

- a. A modification is a proposed change to any portion of a WCF from its description in a previously approved permit that:
  - i. When viewed from ground level from surrounding properties, appears to be a different height, size, type or appearance than what exists on or is associated with the WCF.
  - ii. Increases the number of antennas on an array, change in antenna type(s), repositions



of antenna(s) or change in number of channels per antenna above the maximum number approved; or

**iii.** Changes structural wind-loading~~g~~.

- b.** All modifications shall comply with any conditions or provisions of the existing permit, for the property or WCF and with applicable standards of this Section, including the lighting and safety markings (taping) as described in Sec. 8.9.5.f.
- c.** The Planning Director shall have the discretion to determine if a proposed change is a modification.
- d.** For the purposes of this subsection, mere collocation shall not be considered a modification.

**8.9.7 Maintenance**

- a.** A WCF shall be maintained in good condition. Maintenance of a WCF shall include, but not be limited to the structural integrity of the antenna support structure and antennas, equipment compound and cabinets, painting, and irrigation and upkeep of buffer areas and landscaping.
- b.** If maintenance will impede access used by others, create noise in excess of 60 dB (at the property line) between the hours of 7:00 p.m. to 7:00 a.m., or have other potential nuisance effects during the period of maintenance, the owner of the facility undergoing maintenance shall notify the Planning Director and adjacent property owners in writing at least five (5) days before maintenance is scheduled.
- c.** If maintenance of a WCF will result in a modification as described in Sec. 8.9.6, the requirements of that section shall apply.

**8.9.8 Abandonment and Discontinuation of Use**

- a.** At such time that an antenna support structure owner or wireless provider plans to abandon or discontinue operation of a WCF, said owner shall notify the Planning Director by certified U.S. mail of the proposed date of abandonment or discontinuation of operations.
- b.** In the event all legally approved use of any WCF has been discontinued for a period of six (6) months and the antenna support structure owner or wireless provider has not notified the Planning Director, the facility shall be deemed to be abandoned. Determination of the date of abandonment shall be made by the Planning Director who shall have the right to request documentation and/or affidavits from the facility owner regarding the issue of usage, including evidence that use of the facility is imminent.
- c.** At such time as the Planning Director determines a WCF is abandoned, the Planning Director shall provide the facility owner and property owner with written notice of an abandonment determination by certified mail addressed to all applicants at the addresses on file with the MPC and to the owner of the property at the address on file with the MPC,

the property address and at the address to which tax notices are sent; additionally, notice shall be made by publication in the Savannah Morning News, or such other newspaper that is the official newspaper for the publication of legal notices. Failure or refusal by the facility owner or any other co-applicant to respond to such notice within 60 days of the receipt of the certified letter, or within 30 days of the last published notice, whichever is later, shall constitute prima facie evidence that the WCF has been abandoned.

- d. If the owner of the WCF fails to respond or fails to demonstrate that the WCF is not abandoned, the facility shall be considered abandoned and the owner of the facility shall have an additional 120 days to:
  - i. Reactivate the use of the WCF or transfer the WCF to another owner who makes actual use of the facility, subject to permit approval, within a 120-day period; or
  - ii. Dismantle and physically remove the WCF. “Physically remove” shall include, but not be limited to removal of antennas, antenna support structures, equipment shelters and any associated materials from the subject property, where applicable. Physically remove shall also include restoration of the location of the WCF to its natural condition, where applicable, except that any landscaping and grading shall remain in post-development condition.
- e. Upon a determination of abandonment by the Planning Director, pursuant to this Section, and the failure of the WCF owner or other co-applicant to remove the facility in accordance with this Section, the facility and related structures shall be deemed unfit for use and in violation of the permit requirements so as to be deemed a danger to public health and a public and private nuisance. Failure of the WCF owner or other co-applicant to dismantle and physically remove the facility and related structures in accordance with the terms of this Section shall authorize the governing jurisdiction to do so in order to abate the nuisance and/or ensure compliance with this Section. The dismantling and the physical removal of such abandoned WCFs is the responsibility of the WCF owner and other co-applicants and shall become a lien upon the property. If the cost of such dismantling and physical removal is borne by the governing jurisdiction, the cost therefore shall be charged to the WCF owner and all co-applicants. The governing jurisdiction shall have the authority to enforce the collection of the charges associated with the dismantling and physical removal of abandoned WCFs by any and all means provided by law when such charges are due and remain unpaid for a period of thirty (30) days.

#### **8.9.9 Reconstruction or Replacement of Existing Antenna Support Structures**

- a. Guyed structures, lattice structures, utility structures and non-concealed freestanding structures in existence at the time of adoption of this Section may be reconstructed, altered, extended or replaced on the same site, provided that the Planning Commission finds that the proposed antenna support structure will be a lesser visually obtrusive profile than the existing structure. For the City, the adoption date was July 5, 2007. In making such a determination, the Planning Commission shall consider whether the proposed

action will create public benefits such as opportunities for collocation, improvements in public safety, reduction in the overall number of WCFs, improvement in network functionality resulting in compliance with this Section and/or reduction in visual and environmental impacts.

- b. No reconstruction, alteration, extension or replacement shall exceed the height of the existing WCF by more than 20 feet.
- c. Reconstruction and replacement of guyed and lattice structures and non-concealed freestanding structures shall not be allowed in residential districts, recognized historic areas or within the scenic vistas and landscapes listed in Sec. 8.9.5.g. and 8.9.5.h.
- d. Setbacks shall comply with Sec. 8.9.5.c. Reconstructed facilities shall comply with all other current ordinance requirements. The Planning Commission may waive compliance, wholly or partially, if requirements cannot be met because of physical limitations relating to the location of the proposed reconstruction.

#### **8.9.10 Review Procedures**

##### **a. Pre-Application Conference**

Prior to the submission of an application, the applicant shall have a pre-application conference with the Planning Director to discuss a new WCF and the filing requirements. It shall be the discretion of the Planning Director to waive this requirement.

##### **b. Application Submission**

- i. An application shall be reviewed for completeness. If any required item fails to be submitted, the application shall be deemed incomplete. The Planning Director shall advise an applicant, in writing, within 15 business days after submittal of an application regarding completeness. If the application is incomplete, such notice shall set forth the missing items or deficiencies in the application which the applicant must correct and/or submit in order for the application to be deemed complete. If the application is complete, the notification will identify completeness and the type of review to be conducted.
- ii. Upon resubmittal of an application, the Planning Director shall have an additional 15 business days to give notice as to the completeness of the amended application.

#### **8.9.11**

##### **8.9.12 8.9.11 Review Responsibility**

Review procedures vary by the type of WCF facility proposed. Where due to the complexity of the methodology or analysis required to review an application for a WCF requiring radio frequency analysis, the Planning Director may require a technical expert review as described in Sec. 8.9.13. Review procedures are as follows:

Table 8.9-4 Review Responsibility by Facility Type		
Facility Type	Review Responsibility	Other Considerations
Concealed Attached	Planning Director	
Collocation or Combined on Existing Antenna Support Structure	Planning Director	
Non-concealed Attached	Planning Director	Planning Commission review required if proposed in a recognized historic area.
Concealed Freestanding	Planning Commission	
Non-concealed Freestanding	Planning Commission	Not allowed within a residential district, a recognized historic area as identified in Sec. 8.9.5.g, within 100 feet of either, or within a scenic vista or landscape as identified in Sec. 8.9.5.h.
Modification	Planning Director	
<b>Exceptions to the Above Facilities</b>		
A request for any waiver identified in this Section	Planning Commission	
Replacement or reconstruction of existing antennas and monopoles	Planning Commission	Sec. 8.9.9

**8.9.13 8.9.12 Notification**

An application that requires review by the Planning Commission (not to include reviews by the Planning Director) shall have public notice to include:

**a. Mailed Notification**

A notification of the date and time of the Planning Commission meeting shall be mailed to all property owners within a 300-foot radius of the proposed WCF subject property at least 15 days but no more than 45 days prior to the meeting.

**b. Posting of Property**

A sign shall be posted on the property to announce the date and time of the Planning Commission meeting at least 15 days but no more than 45 days before the meeting. The sign shall be posted to face the most traveled right-of- way.

**c. Published Notification**

For Local System Master Plans, posted notice is required for each proposed installation location, as described in **8.9.12.b.8.9.12**. Additionally, public notification is required.

#### **8.9.14 8.9.13 Supplemental Review**

A supplemental review will be required for a freestanding WCF and may be required for all other types of WCFs, when determined necessary, subject to the following:

- a. Where due to the complexity of the methodology or analysis required to review an application for a WCF, the Planning Director or Planning Commission may require a supplemental review by a third-party expert, the costs of which shall be borne by the applicant and be in addition to other applicable fees.
- b. The applicant shall submit a deposit towards the costs of such supplemental review upon written notification from the Planning Director that such review is required.
- c. Based on the results of the expert review, changes to the application or items submitted as part of the application may be required.
- d. The technical expert review shall address all of the following:
  - i. The accuracy and completeness of the items submitted with the application.
  - ii. The applicability of analysis and techniques and methodologies.
  - iii. The validity of conclusions reached.
  - iv. Whether the proposed WCF complies with applicable approval criteria set forth in this Section.
  - v. Other matters deemed to be relevant to determining whether a proposed WCF complies with the provisions of this Section.

#### **8.9.15 8.9.14 Appeals**

A final action may be appealed only by the applicant for the Wireless Communications Facilities in accordance with Sec. 3.23, Appeals.

#### **8.9.15 Small Wireless Facilities**

##### **a. Permits**

- i. A permit is required to collocate a small wireless facility in the public right of way or to install, modify, or replace a pole or a decorative pole in the public right of way. A permit is not required to perform the activities described in O.C.G.A. § 36-66C-6(e) or (f).**
- ii. Any person seeking to collocate a small wireless facility in the public right of way or to install, modify, or replace a pole or a decorative pole in the public right of way shall submit an application to the Real Estate Services Department for a permit. Applications are available from the Real Estate Services Department. Any material change to information contained in an application shall be submitted in writing to the Real Estate Services Department within 30 days after the events necessitating the change.**
- iii. Each application for a permit shall include the maximum application fees permitted under O.C.G.A. § 36-66C-5(a)(1), (a)(2) and (a)(3). Such maximum**

application fees shall automatically increase on January 1 of each year beginning January 1, 2021, as provided under O.C.G.A. § 36-66C-5(b).

iv. The Real Estate Services Department shall review applications for permits according to the timelines and using the procedures identified in O.C.G.A. §§ 36-66C-7 and 36-66C-13.

v. Applications for permits shall be approved except as follows:

(1) In order to receive a permit to install a pole or replace a decorative pole, the applicant must have determined after diligent investigation that it cannot meet the service objectives of the permit by collocating on an existing pole or support structure on which: (i) the applicant has the right to collocate subject to reasonable terms and conditions; and (ii) such collocation would not impose technical limitations or significant additional costs. The applicant shall certify that it has made such a determination in good faith, based on the assessment of a licensed engineer, and shall provide a written summary of the basis for such determination.

(2) The Real Estate Services Department may deny an application for a permit upon any of the conditions identified in O.C.G.A. § 36-66C-7(j).

(3) For applications for new poles in the public right of way where residential uses are permitted, the Real Estate Services Department may propose an alternate location in the public right of way within 100 feet of the location set forth in the application, and the wireless provider shall use the Real Estate Services Department proposed alternate location unless the location imposes technical limits or significant additional costs. The wireless provider shall certify that it has made such a determination in good faith, based on the assessment of a licensed engineer, and it shall provide a written summary of the basis for such determination.

vi. A permit issued under this Section 8.9.15(a) shall authorize such person to occupy the public rights of way to:

(1) Collocate a small wireless facility on or adjacent to a pole or a support structure that does not exceed the limitations set forth in O.C.G.A. § 36-66C-7(h)(3) or on or adjacent to a decorative pole in compliance with O.C.G.A. § 36-66C-12; and

(2) Install, modify, or replace a pole or decorative pole for collocation of a small wireless facility that does not exceed the limitations set forth in O.C.G.A. § 36-66C-7(h)(1) and (h)(2).

vii. Upon the issuance of a permit under this Ordinance, and on each anniversary of such issuance, every person issued a permit shall submit to the City the maximum annual payments permitted under O.C.G.A. § 36-66C-5(a)(4) and (a)(5); provided, however, that if such person removes its small wireless facilities from the public rights of way pursuant to O.C.G.A. § 36-66C-5(e), then such person

shall be responsible for the pro rata portion of the annual payment based on the number of days of occupation since the last annual payment. Upon making such pro rata payment and removal of the small wireless facilities, the person's annual payment obligations under this section shall cease as of the date of the actual removal. The maximum annual payments shall automatically increase on January 1 of each year beginning January 1, 2021, as provided under O.C.G.A. § 36-66C-5(b). Any person issued a permit shall pay the fees identified in O.C.G.A. § 36-66C-5(a)(6) and (a)(7), as applicable.

- viii. The City may revoke a permit issued pursuant to this Section 8.9.15(a) if the wireless provider or its equipment placed in the public right of way under that permit subsequently is not in compliance with any provision of this Ordinance or the Georgia Streamlining Wireless Facilities and Antennas Act. Upon revocation, the City may proceed according to Section 8.9.15(a)(x).
- ix. If a wireless provider occupies the public rights of way without obtaining a permit required by this section or without complying with the SWFAA, then the City may, at the sole discretion of the City, restore the right of way, to the extent practicable in the reasonable judgment of the City, to its condition prior to the unpermitted collocation or installation and to charge the responsible wireless provider the reasonable, documented cost of the City in doing so, plus a penalty not to exceed \$1,000.00. The City may suspend the ability of the wireless provider to receive any new permits from the City under this Section 8.9.15(a) until the wireless provider has paid the amount assessed for such restoration costs and the penalty assessed, if any; provided, however, that the City may not suspend such ability of any applicant that has deposited the amount in controversy in escrow pending an adjudication of the merits of the dispute by a court of competent jurisdiction.
- x. All accepted applications for permits shall be publicly available subject to the limitations identified in O.C.G.A. § 36-66C-6(c).
- xi. An applicant may file a consolidated application related to multiple small wireless facilities, poles or decorative poles so long as such consolidated application meets the requirements of O.C.G.A. § 36-66C-13.
- xii. Activities authorized under a permit shall be completed within the timelines provided in O.C.G.A. § 36-66C-7(k)(2).
- xiii. Issuance of a permit authorizes the applicant to:

  - (1) Undertake the collocation, installation, modification or replacement approved by the permit; and
  - (2) Operate and maintain the small wireless facilities and any associated pole covered by the permit for a period of 10 years.

- xiv. Permits shall be renewed following the expiration of the term identified in Section



8.9.15(a)(xiv) upon the terms and conditions identified in O.C.G.A. § 36-66C-7(k)(2)(B).

xv. If an application for a permit seeks to collocate small wireless facilities on authority poles in the public rights of way, then the City shall, within 60-days of receipt of the completed application:

- (1) Provide a good faith estimate for any make-ready work necessary to enable the authority pole to support the proposed facility; or
- (2) Notify the wireless provider that the wireless provider will be required to perform the make-ready work. Any make-ready work performed by the City shall be completed pursuant to and in accordance with the provisions of O.C.G.A. § 36-66C-7(n).

b. Removal; Relocation; Reconditioning; Replacement; Abandonment

i. A person may remove its small wireless facilities from the public rights of according to the procedures of O.C.G.A. § 36-66C-5(e).

ii. In the event of a removal under Section 8.9.15(b)(i), the right of way shall be, to the extent practicable in the reasonable judgment of the City, restored to its condition prior to the removal. If a person fails to return the right of way, to the extent practicable in the reasonable judgment of the City, to its condition prior to the removal within 90 days of the removal, the City may, at the sole discretion of the City, restore the right of way to such condition and charge the person the City's reasonable, documented cost of removal and restoration, plus a penalty not to exceed \$500.00. The City may suspend the ability of the person to receive any new permits under this section 8.9.15(a) until the person has paid the amount assessed for such restoration costs and the penalty assessed, if any; provided, however, that the City will not suspend such ability of any person that has deposited the amount in controversy in escrow pending an adjudication of the merits of the dispute by a court of competent jurisdiction.

iii. If, in the reasonable exercise of police powers, the City determines:

- (1) A pole or support structure unreasonably interferes with the widening, repair, reconstruction, or relocation of a public road or highway; or
- (2) Relocation of poles, support structures, or small wireless facilities is required as a result of a public project, the wireless provider shall relocate such poles, support structures, or small wireless facilities pursuant to and in accordance with the provisions of O.C.G.A. § 36-66C-7(l). If the wireless provider fails to relocate a pole, support structure or small wireless facility or fails to provide a written good faith estimate of the time needed to relocate the pole, support



structure or small wireless within the time period prescribed in O.C.G.A. § 36-66C-7(l), the City make take the actions authorized by O.C.G.A. § 36-66C-7(o), in addition to any other powers under applicable law.

- iv. The City shall recondition and replace authority poles consistent with the provisions of O.C.G.A. § 36-66C-7(m). Wireless providers shall accommodate and cooperate with reconditioning and replacement consistent with the provisions of O.C.G.A. § 36-66C-7(m).
  - v. A wireless provider must notify the City of its decision to abandon any small wireless facility, support structure or pole pursuant to and in accordance with the provisions of O.C.G.A. § 36-66C-7(p)(1). The wireless provider shall perform all acts and duties identified in O.C.G.A. § 36-66C-7(p) regarding abandonment. The City may take all actions and exercise all powers authorized under O.C.G.A. § 36-66C-7(p) upon abandonment, in addition to any other powers under applicable law.
- c. Standards
- i. Small wireless facilities and new, modified, or replacement poles to be used for collocation of small wireless facilities may be placed in the public right of way as a permitted use:
    - (1) Upon a receipt of a permit under Section 8.9.15(a);
    - (2) Subject to applicable codes; and
    - (3) So long as such small wireless facilities and new, modified, or replacement poles to be used for collocation of small wireless facilities comply with the appropriate provisions of O.C.G.A. § 36-66C-7(h).
  - ii. New, modified, or replacement poles installed in the right of way in a historic district and in an area zoned primarily for residential use shall not exceed 50 feet above ground level.
    - (1) Each new, modified, or replacement pole installed in the right of way that is not in a historic district or in an area zoned primarily for residential use shall not exceed the greater of:
      - (a) Fifty feet above ground level; or
      - (b) Ten feet greater in height above ground level than the tallest existing pole in the same public right of way in place as of January 1, 2019, and located within 500 feet of the new proposed pole;
    - (2) New small wireless facilities in the public right of way and collocated on an existing pole or support structure shall not exceed more than ten feet above the existing pole or support structure.

- (3) New small wireless facilities in the public right of way collocated on a new or replacement pole under Section 8.9.15(c)(i) or Section 8.9.15(c)(ii) may not extend above the top of such poles.
- (4) A decorative pole should only be located where an existing pole can be removed and replaced, or at a new location where the City has identified that a streetlight is necessary.
- (5) Unless it is determined that another design is less intrusive, or placement is required under applicable law, small wireless facilities shall be concealed as follows:
  - (a) Antennas located at the top of poles and support structures shall be incorporated into the pole or support structure, or placed within shrouds of a size such that the antenna appears to be part of the pole or support structure;
  - (b) Antennas placed elsewhere on a pole or support structure shall be integrated into the pole or support structure, or be designed and placed to minimize visual impacts.
  - (c) Radio units or equipment cabinets holding radio units and mounted on a pole shall be placed as high as possible, located to avoid interfering with, or creating any hazard to, any other use of the public rights of way, and located on one side of the pole. Unless the radio units or equipment cabinets can be concealed by appropriate traffic signage, radio units or equipment cabinets mounted below the communications space on poles shall be designed so that the largest dimension is vertical, and the width is such that the radio units or equipment cabinets are minimally visible from the opposite side of the pole on which they are placed.
  - (d) Wiring and cabling shall be neat and concealed within or flush to the pole or support structure, ensuring concealment of these components to the greatest extent possible.
- (6) Notwithstanding any provision of this Ordinance to the contrary, an applicant may collocate a small wireless facility within a historic district, and may place or replace a pole within a historic district, only upon satisfaction of the following:
  - (a) Issuance of a permit under Section 8.9.15(a); and
  - (b) Compliance with applicable codes.
- (7) Notwithstanding any provision of this Ordinance to the contrary, an applicant may collocate a small wireless facility on a decorative pole, or may replace a decorative pole with a new decorative pole, in the event the existing decorative pole will not structurally support the

attachment, only upon satisfaction of the following:

- (a) Issuance of a permit under Section 8.9.15(a) and
- (b) Compliance with applicable codes.

## **Article 13.0 Abbreviations and Definitions**

References to NAICS Codes shall mean those codes assigned to businesses in the 2002 North American Industry Classification System (NAICS) Manual published by the federal Office of Management and Budget. NAICS Codes may be utilized as an aid in interpretation and determination of specific uses.

None of the definitions contained herein shall be construed to permit any act that is in violation of any City, state or federal code. If any federal or state law containing definitions used in this Ordinance is amended, the definition in the referenced section, as amended, shall control.

### **Sec. 13.3 Defined Terms, Wireless Communications ~~Facilities~~ and Small Wireless Facilities**

The following definitions are specific to Wireless Communications and Small Wireless Facilities and are in addition to the definitions in Sec. 13.2, Defined Terms, General. Where the same or similar definitions exist, the definitions of this Section shall govern.

**Abandonment:** The intent to abandon or discontinue operations as evidenced by voluntary conduct or failure to use a wireless communications facility for a period of six months or more.

**Ancillary Structures:** Any development associated with a wireless communications facility, including but not limited to foundations, concrete slabs on grade, guy wire anchors, generators and transmission cable supports. This definition does not include equipment compound.

**Antenna:** ~~Any apparatus designed for transmitting and/or receiving electromagnetic waves that includes but is not limited to: telephonic, radio or television communications. Types of antennas include but are not limited to: omni-directional (whip) antennas, sectorized (panel) antennas, or parabolic (dish) antennas.~~ The term shall include : (i) communications equipment that transmits, receives, or transmits and receives electromagnetic radio frequency signals used in the provision of wireless services or other wireless communications but is not limited to telephonic, radio or television communications; or (ii) Communications equipment similar to equipment described in part (i) used for the transmission, reception, or transmission and reception of surface waves. Such term shall not include television broadcast antennas, antennas designed for amateur radio use, or satellite dishes for residential or household purposes.

**Antenna Array:** A single set or group of antennas and their associated mounting hardware,

transmission lines or other appurtenances which share a common attachment device such as a mounting frame or mounting support.

**Antenna Support Structure:** A vertical projection, typically composed of metal, with or without a foundation that is for the express purpose of accommodating antennas at a desired height above grade.

**Applicable Codes: The uniform building, fire, safety, electrical, plumbing, or mechanical codes adopted by a recognized national code organization to the extent such codes have been adopted by the State of Georgia or the City or are otherwise applicable in the City.**

**Applicant:** A person or entity with an application for the permit of **a wireless communications or small wireless facilities**. A co-applicant is any person or entity that joins with an applicant in an application for the same permit, including the property owner, antenna support structure owner, and any proposed tenants for the facility.

**Application: A written request submitted by an applicant to the City for a Wireless Communications or Small Wireless Facilities permit.**

**Attached Wireless Communications Facility:** An antenna or antenna array that is secured to an existing building or structure (except an antenna support structure) with any accompanying pole or device which attaches it to the building or structure, together with transmission cables, and an equipment cabinet, which may be located either on the roof or inside/outside of the building or structure. An attached wireless communications facility is considered to be an accessory use to the existing principal use on a site.

**Authority Pole: A pole owned, managed, or operated by or on behalf of the City. Such term shall not include poles, support structures, electric transmission structures, or equipment of any type owned by an electric supplier.**

**Base Station:** The primary sending and receiving site in a communications facility network. An “existing base station” supports or houses an antenna, transceiver or other associated equipment, even if the structure was not built for the sole or primary purpose of providing such support. More than one base station and/or more than provider can be located on a single antenna support structure.

**Breakpoint Technology:** The engineering design of a monopole wherein a specified point on the monopole is designed to have stresses concentrated so that the point is at least five percent (5%) more susceptible to failure than any other point along the monopole. In the event of a structural failure of the monopole, the failure will occur at the breakpoint rather than at the base plate, anchor bolts, or any other point on the monopole.

**Cellular Telecommunications:** A commercial Low Power Mobile Radio Service bandwidth licensed by the FCC to providers in a specific geographical area in which the radio frequency spectrum is divided into discrete channels which are assigned in group to

geographic cells within a service area and which are capable of being reused in different cells within the service area.

**Collocate or Collocation:** A situation in which two or more wireless personal service providers place a wireless communications antenna or antennas and feed lines on a common antenna support structure or other structure on which there is an existing antenna array. The term “collocation” shall not be applied to a situation where two or more wireless personal service providers independently place equipment on an existing building. **The term also means to install, mount, modify, or replace a small wireless facility on or adjacent to a pole, decorative pole, or support structure.**

**Combined Antenna:** An antenna or antenna array designed and utilized to provide services for more than one wireless provider for the same or similar type of services.

**Communications Facility:** **The set of equipment and network components, including wires and cables and associated equipment and network components, used by a communications service provider to provide communications services.**

**Communications Service Provider:** **A provider of communications services.**

**Communications Services:** **Cable service as defined in 47 U.S.C. § 522(6); telecommunications service as defined in 47 U.S.C. § 153(53); information service as defined in 47 U.S.C. Section 153(24), as each such term existed on January 1, 2019; or wireless services.**

**Concealed:** A wireless communications facility that is disguised, hidden, part of an existing or proposed structure or placed within an existing or proposed structure, to include antennas, ancillary structures, and utilities. Concealment is further explained in Sec. 8.9 (Wireless Communications Facilities).

**Consolidated Application:** **An application for the collocation of multiple small wireless facilities on existing poles or support structures or for the installation, modification, or replacement of multiple poles and the collocation of associated small wireless facilities.**

**Contributing Structure:** A structure listed on the Georgia Register of Historic Places; the National Register of Historic Places; or that is at least 50 years old, has not had any major exterior alterations that has changed its original architectural character, and that has had an historic survey which documents the structure as contributing to the historic district in which it is located.

**Coverage:** The geographic area reached by an individual wireless communications facility installation.

**DAS:** See Distributed Antenna System.

**Decision:** The conclusion of a wireless communications facility application review that results in an approval or denial with or without conditions.

**Decorative Pole: An authority pole that is specially designed and placed for aesthetic purposes.**

**Distributed Antennae System (DAS):** A network of small, spatially separated antenna nodes in which a signal is transmitted among the antennae within the network to provide coverage and reliability over the same area as a single cell support structure antenna. A DAS is a type of combined antenna.

**Dual Lighting Systems:** Strobe lights during daytime and flashing red lights during non-daytime.

**Electric Supplier: Any electric light and power company subject to regulation by the Georgia Public Service Commission, any electric membership corporation furnishing retail service in this state, and any municipality which furnishes such service within this state.**

**Eligible Facilities Request: An eligible facilities request as set forth in 47 C.F.R. § 1.40001(b)(3), as it existed on January 1, 2019.**

**Equipment Cabinet:** A structure located at a base station that is above the base flood elevation and designed exclusively to contain radio or other equipment necessary for the transmission or reception of wireless communication signals. A cabinet cannot be used for storage and/or habitable space.

**Equipment Compound:** The area or structure surrounding a ground-based wireless communications facility including, but not limited to, the areas inside or under the following: an antenna support structure's framework and ancillary structures such as equipment necessary to operate the antenna on the facility that is above the base flood elevation including: cabinets, shelters, pedestals, generators and other similar structures.

**Existing Structures and Facilities:** Any wireless communications facility for which a permit has been properly issued prior to the effective date of the ordinance from which this Section is derived.

**Fee: A one-time, nonrecurring charge based on time and expense.**

**Feed Lines:** The interconnecting media between the transmission / receiving base station and the antenna.

**Functionally Equivalent Services:** Cellular, personal communications services (PCS), Enhanced Specialized Mobile Radio, Specialized Mobile Radio and paging services.

**Geographic Search Area (GSA):** An area designated by a wireless provider or operator for a new base station, produced in accordance with generally accepted principles of wireless engineering.

**Guyed Structure:** A style of antenna support structure consisting of a single truss assembly composed of sections with bracing incorporated. The sections are attached to each other, and the assembly is attached to a foundation and supported by a series of wires that are connected to anchors placed in the ground or on a building.

**Historic District:** This term means (i) any district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the secretary of the interior of the United States in accordance with Section VI.D.1.a.i-v of the Nationwide Programmatic Agreement codified by 47 C.F.R. Part 1; (ii) any area designated as a historic district under Article 2 of Chapter 10 of Title 44, the Georgia Historic Preservation Act'; or (iii) any area designated as a historic district or property by law prior to April 26, 2019.

**Historic District: This term means (i) any district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior of the United States in accordance with Section VI.D.1.a.i-v of the Nationwide Programmatic Agreement codified by 47 C.F.R. Part 1; (ii) any area designated as a historic district under Article 2 of Chapter 10 of Title 44, the Georgia Historic Preservation Act'; or (iii) any area designated as a historic district or property by law prior to April 26, 2019.**

**Lattice Structure:** Typically, a tapered style of antenna support structure that consists of vertical and horizontal supports with multiple legs and cross-bracing and metal crossed strips or bars to support antennas.

**Law: Any and all federal, state, or local laws, statutes, common laws, codes, rules, regulations, orders, or ordinances.**

**Least Visually Obtrusive Profile:** The design of a wireless communications facility intended to present a visual profile that is the minimum profile necessary for the facility to properly function.

**Local System Master Plan:** A plan for distributive antenna systems or small cell installations that includes a map of the coverage area, the equipment locations, a design manual for equipment to be installed and an operating and maintenance plan.

**Location:** The area where a wireless communications facility is located or proposed to be located. Reference to location shall be exact longitude and latitude, to the nearest tenth of a second. Bearing or orientation is referenced to true north.

**Micro Wireless Facility: A small wireless facility not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height that has an exterior antenna, if any, no longer than 11 inches.**

**Modification:** The change, or proposed change, of any portion of a wireless communications facility from its description in a previously approved permit.



**Monopole:** A style of freestanding antenna support structure that consists of a single shaft usually composed of two or more hollow sections that are in turn attached to a foundation. This type of antenna support structure is designed to support itself without the use of guy wires or other stabilization devices. These facilities are mounted to a foundation that rests on or in the ground or on the roof of a building.

**Mount:** The surface upon which antennas are mounted. Mounts described in this Article include: roof-mounts (mounted on the roof of a building) and side-mounts (mounted on the side of a building).

**Permit: A written authorization, in electronic or hard copy format, required to be issued by the City to initiate, continue, or complete the collocation of a small wireless facility or the installation, modification, or replacement of a pole or decorative pole upon which a small wireless facility is collocated.**

**Pole: A vertical pole such as a utility, lighting, traffic, or similar pole made of wood, concrete, metal, or other material that is lawfully located or to be located within a right of way, including without limitation a replacement pole and an authority pole. Such term shall not include a support structure, decorative pole, or electric transmission structure.**

**Personal Wireless Communications Services:** Commercial mobile radio services, unlicensed wireless services and common carrier wireless exchange access service as identified in the Telecommunications Act of 1996.

**Provider:** Any entity licensed by the FCC to provide subscriber-based personal wireless telecommunications services.

**Radio Frequency Engineer:** An engineer specializing in electrical or microwave engineering, especially the study of radiofrequencies.

**Rate: A recurring charge.**

**Recognized Historic Area:** Districts or locations identified as having historic and/or architectural significance through an ordinance, guideline, map, listing or designation by a local, state or federal government.

**Reconditioning Work: The activities associated with substantially painting, reconditioning, improving, or repairing authority poles.**

**Replace, Replacement or Replacing: To replace a pole or decorative pole with a new pole or a new decorative pole, similar in design, size, and scale to the existing pole or decorative pole consistent with 47 C.F.R. § 1.40001(b)(7) as it existed on January 1, 2019, in order to address limitations of, or change requirements applicable to, the existing pole to structurally support the collocation of a small wireless facility.**



**Replacement Work: The activities associated with replacing an authority pole.**

**Review:** A review of a wireless communication facility application by applicable administrators, staff, or commissions that results in a decision.

**Right of Way: Generally, property or any interest therein, whether or not in the form of a strip, which is acquired for or devoted to a public road; provided, however, that such term shall apply only to property or an interest therein that is under the ownership or control of the City and shall not include property or any interest therein acquired for or devoted to an interstate highway or the public rights, structures, sidewalks, facilities, and appurtenances of buildings for public equipment and personnel used for or engaged in administration, construction, or maintenance of public roads or research pertaining thereto or scenic easements and easements of light, air, view and access.**

**Screening:** The use of design, existing buildings and structures, existing and proposed vegetation and color to obscure a wireless communications facility.

**Separation:** The vertical distance between one carrier's antenna array and the antenna array of another carrier.

**Siting:** The method and form of placement of a wireless communications facility on a specific area of a property.

**Small Wireless Facility: Radio transceivers; surface wave couplers; antennas; coaxial, fiber optic, or other cabling; power supply; backup batteries; and comparable and associated equipment, regardless of technological configuration, at a fixed location or fixed locations that enable communication or surface wave communication between user equipment and a communications network and that meet both of the following qualifications: (i) each wireless provider's antenna could fit within an enclosure of no more than six cubic feet in volume; and (ii) all other wireless equipment associated with the facility is cumulatively no more than 28 cubic feet in volume, measured based upon the exterior dimensions of height by width by depth of any enclosure that may be used. The following types of associated ancillary equipment are not included in the calculation of the volume of all other wireless equipment associated with any such facility: electric meters; concealment elements; telecommunications demarcation boxes; grounding equipment; power transfer switches; cut-off switches; and vertical cable runs for connection of power and other services. Such term shall not include a pole, decorative pole, or support structure on, under, or within which the equipment is located or collocated or to which the equipment is attached and shall not include any wireline backhaul facilities or coaxial, fiber optic, or other cabling that is between small wireless facilities, poles, decorative poles, or support structures or that is not otherwise immediately adjacent to or directly associated with a particular antenna.**

**State: The State of Georgia.**

**Support Structure: A building, billboard, water tank, or any other structure to which a small wireless facility is or may be attached. Such term shall not include a decorative pole, electric transmission structure, or pole.**

**Unlicensed Wireless Services: Commercial** mobile services that can operate on public domain.

**WCF: See Wireless Communications Facility.**

**Wireless Communications Facility:** A staffed or unstaffed commercial facility for the transmission and/or reception of radio frequency signals, or other wireless communications, and usually consisting of an antenna or groups of antennas, transmission cables and equipment enclosures, and may include an antenna support structure. The following non-exclusive list shall be considered a wireless communications facility: new and existing antenna support structures, replacement antenna support structures, collocations on existing antenna support structures, attached wireless communications facilities and concealed wireless communications facilities.

**Wireless Infrastructure Provider: Any person, including a person authorized to provide telecommunications services in this state, that builds, installs, or operates small wireless facilities, poles, decorative poles, or support structures on which small wireless facilities are or are intended to be used for collocation but that is not a wireless services provider.**

**Wireless Provider: A wireless infrastructure provider or a wireless services provider.**

**Wireless Services: Any services provided to the public using licensed or unlicensed spectrum, including the use of Wi-Fi, whether at a fixed location or mobile.**

**Wireless Services Provider: A person that provides wireless services.**

**Wireline Backhaul Facility: Wireline Backhaul Facility” means an aboveground or underground wireline facility used to transport communications data from a telecommunications demarcation box associated with small wireless facility to a network.**