

ARTICLE XIV

TELECOMMUNICATIONS FACILITIES ORDINANCE

1401. Purpose

The purpose of this ordinance is to provide for appropriate location and development of telecommunications facilities in Glynn County. In setting forth these regulations, this section seeks to protect the County's environment, scenic beauty, desirability as place to live and public safety by promoting compatible design standards for telecommunications facilities. This section will minimize the adverse visual impacts of telecommunications facilities through careful design, siting, landscape screening, and innovative camouflaging techniques, and avoid potential damage to adjacent properties from tower or antennae failure through engineering and careful siting of telecommunications tower structures and antennae. The goals of this ordinance are to: (i) encourage the location of towers in non-residential areas and minimize the total numbers of towers throughout the community, (ii) encourage strongly the joint use of new and existing tower sites, (iii) encourage users of towers and antennae to locate them, to the extent possible, in areas where the adverse impact on the community is minimal, (iv) encourage users of towers and antennae to configure them in a way that minimizes the adverse visual impact of the towers and antennae, and (v) enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently. To further promote these goals, the County encourages and promotes the location of new telecommunications facilities in areas, which are not zoned, for residential use.

1401.1 District Height Limitations

As set forth in this article, telecommunications facilities shall not be governed by the height restrictions of the applicable zoning districts of the Glynn County Zoning Ordinance. The height limits set forth in this article are controlling and are exceptions to the zoning district height requirements.

1402. Definitions

As used in this Article, the following words have the following meanings;

- A. "Antenna" means any exterior apparatus designed for the sending and/or receiving of electromagnetic waves for telephonic, radio, or personal wireless service. For the purposes of this ordinance the term "antenna" does not include any tower or antenna under seventy (70) feet in total height which is owned and operated by an amateur radio operator licensed by the Federal Communications Commission or any device designed for over-the-air reception of radio or television broadcast signals, multichannel multipoint distribution service or direct broadcast satellite service.
- B. "Board" means the Glynn County Board of Commissioners.
- C. "County" means Glynn County, Georgia.

- D. "Geographic service area" means the general vicinity within which the placement of an antenna is necessary to meet the engineering requirements of an applicant's cellular network or other broadcasting need.
- E. "FAA" means the Federal Aviation Administration of the United States of America.
- F. "FCC" means the Federal Communications Commission of the United States of America.
- G. "Height" means the distance measured from the ground level existing prior to the beginning of any development to the highest point on the tower structure or appurtenance.
- H. "Monopole tower" means a communications tower consisting of a single pole, constructed without guy wires or ground anchors.
- I. "Personal Wireless Services" shall have the same meaning as defined by Federal Regulations.
- J. "Planning Commission" means the Glynn County Planning and Zoning Commission.
- K. "Planning Official" means the Glynn County Planning Official.
- L. "Publicly-used Structures" means structure(s) owned by a governmental entity.
- M. "Telecommunications facilities" refers to antennae and towers, either individually or together.
- N. "Temporary Telecommunications Facility" refers to a temporary structure, mounted on a trailer or vehicle capable of being transported from location to location and containing one tower or antenna intended for transmitting or receiving digital, microwave, cellular, telephone, personal wireless service, or over-the-air transmission and/or reception of radio or television broadcast signals, multi-channel multi-point distribution service or direct broadcast satellite service.
- O. "Tower" means a structure, such as a lattice tower, guy tower, or monopole tower, constructed as a free-standing structure or in association with a building, other permanent structure or equipment, on which is located one or more antennae intended for transmitting or receiving digital, microwave, cellular, telephone, personal wireless service, or similar forms of electronic communication. The term includes microwave towers, common carrier towers, and cellular telephone towers.

1403. Placement of Telecommunications Facilities by Zoning District

Provided the requirements and standards set forth in this ordinance are complied with, the placement of Telecommunications Facilities will only be allowed in the following zoning districts:

- A. In Forest Agricultural (FA), Basic Industrial (BI), General Industrial (GI), General Commercial (GC), Highway Commercial (HC), Limited Industrial (LI), Freeway Commercial (FC), Planned Development (PD) where explicitly set out in the approved text, and Governmental (G), when a lease for said property is attained, the placement of antennae on buildings, poles, or other existing support structures where antennae do not project more than fifteen (15) feet above the roof line, parapet, or top of the structure and monopole towers up to a height of one hundred fifty (150) feet are a permitted use following design review and approval by and receipt of a building permit from the Planning Official.
- B. Telecommunications facilities above the height restrictions or differing from the design types listed above in Section 1403 (A) may only be built upon approval of a special use permit as well as a building permit.
- C. Temporary Telecommunications Facilities, in accordance with Section 1403.3(D) of this ordinance, may be allowed in the Resort Residential Zoning District and those districts identified in 1403 (A).

1403.1 Co-location

Applicant and owner shall allow other future personal wireless companies, including public and quasi-public agencies, using functionally equivalent personal wireless technology to co-locate antennae, equipment and facilities on a telecommunications facility unless specific technical constraints prohibit said co-location. Applicant and other personal wireless carriers shall provide a mechanism for the construction and maintenance of shared facilities and infrastructure and shall provide for equitable sharing of cost in accordance with industry standards.

A. Availability of Suitable Existing Towers or Other Structures.

Applicants for the erection of a tower or placement of an antenna shall be required to co-locate upon an existing tower or alternative tower structure. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Glynn County Planning Commission that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna shall consist of any of the following:

1. No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements.
2. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
3. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
4. The applicant's proposed antenna would cause electromagnetic interference with an existing antenna on the existing towers or structures, or

the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.

5. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower of structure for sharing are unreasonable. Costs exceeding new tower development and operating costs are presumed to be unreasonable.

1403.2 Preferred and Disfavored Location Sites

A. Preferred Location Sites.

1. **Publicly-used structures:** Publically-used structures are preferred locations throughout the County because they appear in virtually all neighborhoods, are dispersed throughout the County, and due to their institutional and infrastructure uses are generally similar in appearance to or readily adaptable for telecommunications facilities. Therefore, telecommunications facilities should be less noticeable when placed on publicly used structures than when placed on commercial or residential structures. Publicly-used structures include, but are not limited to, facilities such as police or fire stations, libraries, community centers, civic centers, courthouses, utility structures, water towers, elevated roadways, bridges, flag poles, schools, hospitals, clock or bell towers, and light poles provided these structures are owned by a governmental entity.
2. **Co-Location Sites:** Any existing site on which a legal wireless telecommunications facility is currently located shall be Preferred Location Site regardless of the underlying zoning designation of the site, provided, however, that locations which meet this criteria shall be subject to the design and siting components of Sections 1404 of this ordinance and co-location sites shall not become visually obtrusive as deemed by the Planning Official.
3. **Industrial and Commercial Structures:** Wholly industrial and commercial structures such as warehouses, factories, retail outlets, supermarkets, banks, garages, or service stations shall be Preferred Locations particularly where existing visual obstructions or clutter on the roof or along a roof line can and will be removed as part of the installation of the telecommunications facility.
4. **Mixed Use Buildings in High Density Districts:** Mixed-use buildings (housing above commercial or other non-residential space) are also Preferred Location sites.

B. Disfavored Location Sites.

1. Any legal site, which is not a Preferred Location Site, is a Disfavored Location Site.

1403.3 Exclusions

The following shall be exempt from this ordinance:

- A. Any tower or antennae under seventy (70) feet in total height which is owned by an amateur radio operator licensed by the Federal Communications Commission;
- B. Any device designed for over-the-air reception of radio or television broadcast signals, multichannel multipoint distribution service or direct broadcast satellite service located on a customer's property; or
- C. Any tower or antenna for which a permit has been properly issued prior to the effective date of this section shall not be required to meet the requirements of this section, other than the requirements of Section 1403.1, 1404(A)(1) and 1404 (A)(2). Any such towers or antennae shall be referred to this ordinance as "pre-existing towers" or "pre-existing antennae"; or
- D. Any temporary telecommunications facility not more than one hundred feet (100') in height for which a permit has been properly issued by the Director of Community Development or his or her designee. The permit application must be in writing, filed with the director of Community Development stating the reason for the application, the proposed location for placement of the vehicle or trailer, the time the vehicle or trailer is to be located there and include an administrative fee of \$50. The permit shall be granted if the requirements of Section 1404 (A) (10) are met. The permit granted under this subsection shall be valid for a period of ninety-(90) days.
- E. Any tower or antenna owned and operated by Glynn County, or any private or commercial antenna leasing space on a tower owned and operated by Glynn County. Such towers and antennas shall meet the requirements of the Building Code and other applicable codes and regulations. To be exempt from these regulations, such tower and/or antenna shall be approved by the Glynn County Board of Commissioners. (O-2006-08, 5/18/2006)

1404. Requirements for Telecommunications Facilities

- A. General Requirements for All Telecommunications Facilities.

The requirements set forth in this Section shall govern the location and construction of all telecommunications facilities governed by this ordinance. Antennae and towers may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot. For purposes of determining whether the installation of a tower or antenna complies with regulations, including but not limited to setback requirements, lot-coverage requirements, and other such requirements, the dimensions of the entire lot shall control.

- 1. Building Codes: Safety Standards.

To ensure the structural integrity of towers, the owner of a tower shall certify that it is maintained in compliance with standards contained in Glynn County Building Codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, Glynn County concludes that a tower fails to comply with such codes and standards or constitutes a danger to persons or property, then upon notice being provided to the owner of the tower by the Board of Commissioners, the owner shall have fifteen (15) days in which to bring such tower into compliance with such standards. If the owner fails to bring such tower into compliance, the governing authority may remove such tower at the owner's expense. Any such removal by Glynn County shall be in the manner provided in Section 1407 of this ordinance.

2. State and Federal Regulatory Compliance.

- a. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the State or Federal Governments with the authority to regulate towers and antennae. If such standards and regulations are changed, then the owners and tenants of the towers and antennae governed by this ordinance shall bring such towers and antennae into compliance with such revised standards. Failure to bring towers and antennae into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense. Any such removal by the governing authority shall be in the manner provided in Section 1407 of this ordinance.
- b. Owners of telecommunications shall provide documentation showing that each telecommunications facility is in compliance with all federal and state requirements. Evidence of compliance must be submitted to the Planning Official every twelve (12) months.

3. Security.

All telecommunications facilities shall be enclosed by a decay-resistant security fencing not less than six (6) feet in height and shall be equipped with an appropriate anti-climbing device(s).

4. Lighting.

No illumination is permitted on telecommunications facilities unless required by the FCC, FAA, or other state or federal agency of competent jurisdiction or unless necessary for air traffic safety. If lighting is required or necessary, the Planning Commission may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding uses or views.

5. Advertising.

No advertising is permitted on telecommunications facilities. However telecommunications facilities may be allowed on any legally permitted permanent billboard or outdoor advertising sign as long as the other requirements of this ordinance are met.

6. Visual Impact.

- a. Telecommunications facilities shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA or other applicable federal or state agency, be painted a neutral color or painted and/or textured to match the existing structure so as to reduce visual obtrusiveness. In the design of telecommunications facilities, the owners shall make use of all available camouflaging and concealment techniques, including but not limited to installing second arrays on existing utility towers or co-locating on existing towers.
- b. If an antenna is installed on a structure other than a tower, the antenna and associated electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible. Roof-mounted antennae shall be made visually unobtrusive by screening to match existing air conditioning units, stairs, elevator towers, or other existing background.
- c. Telecommunications facilities mounted on architecturally significant structures or significant architectural details of a building should be covered by appropriate casings, which are manufactured to match existing architectural features found on the building.
- d. Where feasible, telecommunications facilities should be placed directly above, below, or incorporated with vertical design elements of building to help in camouflaging.
- e. Any equipment shelter or cabinet that supports telecommunications facilities must be concealed from public view or made compatible with the architecture of the surrounding structures or placed underground. Equipment shelters or cabinets shall be screened from public view by using landscaping or materials and colors consisting with the surrounding backdrop. The shelter or cabinet must be regularly maintained.

7. Landscaping.

- a. Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower base and buildings from adjacent residential property. The standard buffer shall consist of a landscaped strip at least four (4) feet in height and density outside

the perimeter of the base and buildings. The strip shall be properly maintained to ensure the facility is effectively enclosed and screened from external view by the landscaped buffer zone.

- b. Native vegetation on the site shall be preserved to the greatest practical extent. Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. The applicant shall provide a site plan to the Planning Official showing existing significant vegetation to be removed, and vegetation to be replanted to replace that lost or removed.
- c. The Planning Commission may waive or modify the landscaping requirement where lesser requirements are desirable for adequate visibility for security purposes for continued operation of existing bona fide agricultural or forest uses such as farms, nurseries and tree farms or where an antenna is placed on an existing structure. In certain locations where the visual impact of the tower would be minimal, such as remote agricultural or rural locations or developed heavy industrial areas, the landscaping requirement may be modified or waived by the Planning Commission.

8. Maintenance Impacts.

Equipment at a transmission facility shall be automated to the greatest extent possible to reduce traffic and congestion. Where the site abuts or has access to a collector or local street, access for maintenance vehicles shall be exclusively by means of the collector or local street.

9. Principal, Accessory and Joint Uses.

- a. Accessory structures used in direct support of a telecommunications facility shall be allowed but not be used for offices, vehicle storage, or other outdoor storage. Mobile or immobile equipment not used in direct support of a telecommunications facility shall not be stored or parked on the site of the telecommunications facility.
- b. Telecommunications facilities may be located on sites containing another principal use in the same bailable area. Joint use of a site is prohibited when a proposed or existing principal use includes the storage, distribution or sale of volatile, flammable, explosive, or hazardous materials such as propane, gasoline, natural gas and dangerous chemicals.

10. Setbacks and Separation.

- a. The following setbacks and separation requirements shall apply to all towers and antenna; provided, however, that the Planning Commission may, reduce the standard setbacks and separation requirements if the goals of this ordinance would be better served thereby.

- i. Towers must be set back a distance equal to the height of the tower from any off-site residential structure.
 - ii. Towers, guys, and accessory facilities must satisfy the minimum zoning district setback requirements.
- b. For antennae attached to the roof or a supporting structure on a rooftop, a 1:1 setback ratio (for example, a ten (10)-foot high antenna and structure requires a ten (10)-foot setback from the edge of the roof) shall be maintained unless an alternative placement is shown to reduce visual impact.

11. Community Effects.

The proposed telecommunications facility must not disrupt the overall community character.

B. Additional Requirements for Towers:

1. Site location and development shall preserve the preexisting character of the surrounding buildings and land uses as much as possible. Personal wireless telecommunication towers shall be integrated through location and design to blend in with existing characteristics of the site to the extent practical.
2. Existing on-site vegetation shall be preserved or improved, and disturbance of the existing topography and vegetation shall be minimized, unless such disturbance would result in less visual impact of the site to the surrounding area.
3. At a tower site, the design of the buildings and related structures shall, to the fullest extent possible, use materials, colors, textures, screening and landscaping that will blend the tower and related facilities to the natural setting and existing structures in the vicinity.
4. Towers shall not be located any closer than one (1) mile from an existing tower. However, the Planning Commission, as part of the application process, may waive this requirement when they determine the placement of another tower within the one (1) mile buffer is technologically required or visually preferable.
5. When a tower is adjacent to a residential use, it must be setback from the nearest point of every residential lot a distance at least equal to its total height.
6. Towers shall not be sited where they will negatively affect historic properties as designated by the Georgia or National Registry of Historic Places.

7. Placement of more than one tower on a lot shall be permitted, provided all setback, design, and landscape requirements are met as to each tower. Structures may be located as close to each other as technically feasible, provided such placement will not lead to multiple failures in the event that one tower fails.

1405. Application Procedures

A. General Application Requirements for All Building and Special Use Permits for Telecommunications Facilities.

Application for a building permit or special use permit for any telecommunications facility shall be made to the Zoning Administrator by the person, company or organization that will own and operate the telecommunications facility. An application will not be considered until it is complete. The following information shall be submitted when applying for any building permit or special use permit included in this ordinance and must be submitted for an application to be considered complete:

1. Basic Information.

- a. Site plan or plans to scale specifying the location of telecommunications facilities, transmission building, and/or other accessory uses, access, parking, fences, landscaped areas, and adjacent land areas and their zoning and use. The site plans or plans to scale shall include information on the camouflaging and concealment techniques incorporated into their proposed plan.
- b. Landscape plan to scale indicating size, spacing, and type of plants required in Section 1404(A)(7).
- c. A full description of the effects that the proposed telecommunications facility will have on the environment and surrounding area including the impacts on adjacent residential structures and districts, impacts on structures and sites listed on the Georgia or National Registry of Historic Places and the view of and from those structures and sites and impacts on street-scapes.
- d. A description of anticipated maintenance needs for the telecommunications facility, including frequency of service, personnel needs, equipment needs, and traffic, noise, or safety impacts of such maintenance.
- e. Report from a professional structural or radio frequency engineer licensed in the State of Georgia, documenting the following:

- i. Telecommunications facility height and design, including technical, engineering, economic, and other pertinent factors governing selection of the proposed design;
 - ii. Total anticipated capacity of the telecommunications facility, including number and types of antennae, which it can accommodate;
 - iii. Evidence of structural integrity of the tower structure;
 - iv. Structural failure characteristics of the telecommunications facility and demonstration that site and setbacks are of adequate size to contain debris;
 - v. Certification that the proposed telecommunications facility will meet all applicable state and federal regulations; and
 - vi. The information required in Section 1403.1 (A), (1) through (4).
- f. A definition of the area of service to be served by the antennae or tower and whether such antennae or tower is needed for coverage or capacity.
 - g. Information showing the proposed facility would provide the needed coverage or capacity.
 - h. A map showing all sites from which needed coverage could be provided, indicating the zoning for all such alternative sites.
 - i. Photo simulations of the proposed project to illustrate the potential visual impacts of the activity.
 - j. Written documentation demonstrating that the radio frequency emissions from the proposed project are within the limits set by the Federal Communications Commission.
 - k. The name, address, telephone number, facsimile number and electronic mail address, if applicable, 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. Such officer shall document the complaints of neighbors and the applicant's reactions to such. Furthermore, such documentation shall be provided to the County on an annual basis or when requested by the County, provided the request is made during reasonable business hours.
 - l. Identification of the geographic service area for the subject installation, including a map showing the site and the nearest or associated telecommunications facility sites within the network.

Describe the distance between the telecommunications facility sites. Describe how this service area fits into and is necessary for the service network.

- m. Designation as to which type of Preferred Location Site, identified in Section 1403.2, above, the proposed facility is. If the proposed location is not a Preferred Location 1 through 4 or is a Disfavored Site, describe: (a) what publicly-used building, co-location site or other Preferred Location Sites are located within the geographic service area. Provide a list (by address with lot and block number noted) and a map at 1:200 scale of all such buildings within the service area; (b) what good faith efforts and measures were taken to secure each of these Preferred Location sites; (c) why each such site was not technologically, legally or economically feasible and why such efforts were unsuccessful; and (d) how and why the proposed site is essential to meet service demands for the geographic service area and countywide network.

2. Five-Year Plan and Site Inventory.

Each application shall include a five (5) year facilities plan and site inventory including the following:

- a. A description of the type of technology the company/carrier will provide to its customers over the next five (5) years including the radio frequencies to be used for each technology and the types of consumer services (voice, video, data transmission, etc.) To be offered and consumer products to be served (mobile phones, laptop PC's, modems, etc.)
- b. A list of all existing, existing to be upgraded or replaced, and proposed telecommunications facility sites within Glynn County and within one (1) mile of the County's limits and a map showing these sites. The list must include the following information for each site:
 - i. Street address;
 - ii. Assessor's Block and Lot or other applicable ad valorem tax identification number;
 - iii. Zoning district;
 - iv. Type of building (commercial, residential, mixed use) and number of stories;
 - v. The number of antennae and base transceiver stations per site and the location and type of antenna installation (stand-alone rooftop, building facade, etc.) and location of the base receiver station installation(s);

- vi. The height from ground level to the top of the antenna installation; and
 - vii. The radio frequency range in megahertz and the wattage output of the equipment.
- c. If the applicant does not know specific future tower and antenna site locations but does know of areas where telecommunications facilities will be needed within the next five years to provide service, the applicant shall list the Tax Map Number contained within the anticipated geographic service area and identify each geographic service area with a number that corresponds to the future telecommunications facility site.

3. Additional Information Requirements for Towers.

- a. The applicant shall quantify the additional tower capacity anticipated, including the approximate number and types of antennae. The applicant shall also describe any limitations on the ability of the tower to accommodate other uses, e.g., radio frequency interference, mast height, frequency or other characteristics. The applicant shall describe the technical options available to overcome those limitations and reasons why the technical options considered were not chosen to be incorporated. The Planning Commission shall approve those limitations if they cannot be overcome by reasonable technical means.
- b. The applicant must provide a utilities inventory showing the locations of all water, sewage, drainage and power lines impacting the proposed tower site or which will be impacted by the proposed tower.
- c. The applicant must provide any other information, which may be requested by the Planning Commission to fully evaluate and review the application and the potential impact of a proposed telecommunications facility.

B. Factors Considered in Granting Approval of Towers.

The Glynn County Planning Commission shall consider the following factors in determining whether to approve the height or design of a proposed tower, although the Planning Commission may waive or reduce the burden on the applicant of one or more of these criteria if the Planning Commission concludes that the goals of this ordinance are better served thereby.

- 1. Height of the proposed tower.
- 2. Proximity of the tower to residential structures and residential district boundaries.
- 3. Nature of uses on adjacent and nearby properties.

4. Surrounding topography.
5. Surrounding tree coverage and foliage.
6. Design of the tower with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
7. Proposed ingress and egress.
8. Availability of suitable existing towers and other structures as discussed in Section 1403.1 of this ordinance.

C. Expedited Review for Building Permits Only.

When a telecommunications facility will be a Preferred Location Site pursuant to Section 1403.2 of this ordinance or a monopole tower no more than one hundred fifty (150) feet which requires only a building permit and design review and approval before it may be erected, the Planning Official will expedite review of the application and render a decision on the application within thirty (30) business days after receipt of a complete application. In no way, does the approval and permitting by the Planning Commission convey any interest or right to the applicant to use the Preferred Location Sites.

D. Special Use Permits.

1. A request for a special use permit shall be initiated by application to the Zoning Administrator and handled in accordance with the special use permit provision of Section 904 of the Zoning Ordinance. The application shall be made on proper forms and shall be accompanied by the information required in Section 1405(A) of this ordinance. The Planning Commission and the Board in reviewing the application for a special use permit shall consider the factors in Section 1405(B) of this ordinance. Before recommending approval of a special use permit to the Board of Commissioners, the Planning Commission shall determine that all of the requirements of Sections 1404 and 1405 have been satisfied and, further, that the benefits of and need for the proposed tower to the public are greater than any possible negative effects and damage to the neighboring properties.
2. In recommending a special use permit, the Planning Commission may impose additional zoning conditions to the extent determined necessary to buffer or otherwise minimize adverse effects of the proposed tower or antenna on surrounding properties.

E. Federal Aviation Administration and Glynn County Airport Commission Approval.

Tower structures in excess of one hundred fifty (150) feet in height or when the Planning Official deems that the proposed structure may interfere with the use of the airways of the County for aeronautical use by the public or interfere with

operation of existing or proposed airport facilities shall be reviewed by the Glynn County Airport Manager prior to review by the Planning Commission. Owners of such tower structures shall provide a copy of the application to the Airport Manager for his review. The Airport Manger shall provide a recommendation in writing as to the effect such structures may have on airport approach zones and flight patterns. Further, it may also be necessary to obtain approval of the tower by the FAA, which shall be the responsibility of the applicant.

In the consideration of the design, placement and height of telecommunications facilities, Article XIII, the Airport Zoning Ordinance of the Glynn County Zoning Ordinance, shall take precedence over this ordinance in the case of a conflict.

F. Change of Ownership Notification.

Upon the transfer of ownership of any tower, alternative tower structure, or lot upon which a structure has been erected, the owner shall notify the Planning Official of the transaction in writing within thirty (30) days.

1406. Nuisances

Telecommunications facilities, including, without limitation, power source, ventilation and cooling, shall be operated at all times within the limits of the Glynn County Noise Ordinance and Nuisance Abatement Code. Telecommunications facilities shall not be operated so as to cause the generation of heat that adversely affects any adjacent structure or occupant of such structure and shall not be maintained or operated in such a manner as to be a nuisance.

1407. Removal of Antennae and Towers

All telecommunications facilities shall be maintained in compliance with standards contained in Sections 1404 (A)(1) and 1404 (A)(2)(a) so as to ensure the structural integrity of such facilities. If upon inspection by the Planning Official any such telecommunications facility is determined not to comply with the Glynn County Nuisance Abatement Code or to constitute a danger to persons or property, then upon notice being provided to the owner of the facility and the owner of the property if such owner is different, such owners shall have a hearing within thirty (30) days to answer the nuisance complaint. After such hearing, the owner shall have fifteen (15) days to notify the Planning Official of the intent to comply with the order of corrective action. If notification of the owner's intent to bring such facility into compliance is not received, the county shall provide notice to the owners requiring the telecommunications facility to be removed.

In the event such telecommunications facility is not removed within thirty (30) days of receipt of such notice, the county may remove such facility and the cost of such removal and storage shall constitute a lien upon the property removed and the real property to which it was attached for the costs of removal. Delay by the county in taking action shall not in any way waive the county's right to take action. The county may pursue all legal remedies available to it to ensure that telecommunications facilities not in compliance with the code standards or which constitute a danger to persons or property are brought into compliance or removed. The county may seek to have the telecommunications facility removed regardless of the owner's or operator's intent to

operate the tower or antenna and regardless of any permits, federal, state or otherwise, which may have been granted.

1408. Abandoned Towers

- A. Any telecommunications facility that is not operated for a continuous period of twelve (12) months shall be considered abandoned, whether or not the owner or operator intends to make use of it or any part of it. The owner of a telecommunications facility and the owner of the property where the facility is located shall be under a duty to remove the abandoned telecommunications facility. If such antenna and/or tower is not removed within sixty (60) days of receipt of notice from the county notifying the owner(s) of such abandonment, the county may remove such tower and/or antenna and the cost of such removal and storage shall constitute a lien upon the property removed and the real property to which it was attached for the costs of removal. The county may pursue all legal remedies available to it to insure that abandoned telecommunications facilities are removed. Delay by the county in taking action shall not in any way waive the county's right to take action. The county may seek to have the telecommunications facility removed regardless of the owner's or operator's intent to operate the tower or antenna and regardless of any permits, federal, state or otherwise, which may have been granted.
- B. If the owner of an abandoned tower or antenna wishes to use such abandoned tower or antenna, the owner first must apply for and receive all applicable permits and meet all of the conditions of this ordinance as if such tower or antenna were a new tower or antenna.
- C. If there are two or more users of a single tower, then this section shall not become effective until all users cease utilizing the tower.

1409. Pre-Existing Towers/Non-Conforming Uses

- A. All telecommunications facilities operative on the date of passage of this article shall be allowed to continue their present usage as a non-conforming use and shall be treated as a non-conforming use in accordance with Section 607 of the Zoning Ordinance. Routine maintenance shall be permitted on such existing telecommunications facilities. New construction other than routine maintenance shall comply with the requirements of this ordinance. Replacement with a new tower or antenna shall be considered new construction and must comply with the terms of this article.
- B. A telecommunications facility that has received county approval as of the date of passage of this article in the form of either a building permit or special use exception, but has not yet been constructed or placed in operation shall be considered an existing telecommunications facility so long as such approval is current and not expired.
- C. Placement of an antenna on a nonconforming structure shall not be considered an expansion of the nonconforming structure.

1410. Coordination with Federal Law

Whenever the application of this ordinance would unreasonably discriminate among providers of functionally equivalent personal wireless services or prohibit or have the effect of prohibiting the provision of personal wireless services, the Board may waive any or all of the provisions of this ordinance.

1411. Appeal

Any applicant under this ordinance aggrieved by any decision of the Planning Official or Planning Commission may appeal to the Zoning Board of Appeals. All appeals shall follow the procedure set forth in Section 1004 of the Zoning Ordinance.

1412. Severability

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

1413. Repeal of laws in conflict

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

1414. Effective Date

This ordinance shall take effect immediately upon adoption.