

ORDINANCE NO. 2023-

AN ORDINANCE AMENDING THE CODE OF ORDINANCES CITY OF MANCHESTER, GEORGIA, SPECIFICALLY AMENDING APPENDIX A - ZONING BY CREATING APPENDIX A - ZONING, ARTICLE 5B, SECTION 501B THROUGH SECTION 509B TO ESTABLISH PROCEDURES FOR TELECOMMUNICATION TOWERS CONSISTENT WITH FEDERAL RULES AND REGULATIONS AND MAINTAIN HEALTH, SAFETY AND INTEGRITY OF ZONING DISTRICTS IN THE CITY OF MANCHESTER, GEORGIA; AND FOR OTHER PURPOSES.

BE IT ORDAINED by the City Counsel of City of Manchester, Georgia that Appendix A – Zoning, Article 5B, Section 501B through Section 509B shall be established as follows:

Article 5B – TELECOMMUNICATION TOWER REGULATION

Sec. 501B - Purpose

This Article is designed and intended to balance the interests of the residents of the City of Manchester, Georgia, telecommunications providers and telecommunications customers in the siting of telecommunications facilities within the City of Manchester, Georgia so as to protect the health, safety and integrity of residential neighborhoods and foster, through appropriate zoning and land use controls, a competitive environment for telecommunications carriers that does not unreasonably discriminate among providers of functionally equivalent personal wireless services and shall neither prohibit nor have the effect of prohibiting the provision of personal wireless services, and so as to promote the City of Manchester, Georgia as a pro-active city in the availability of personal wireless telecommunications service. To that end, this chapter shall:

- (1) Provide for the appropriate location and development of telecommunications facilities in the City of Manchester, Georgia;
- (2) Protect the built and natural environment of the City of Manchester, Georgia by promoting compatible design standards for telecommunications facilities;
- (3) Minimize adverse visual impacts of telecommunications facilities through careful design, siting, landscape screening and innovative camouflage techniques;
- (4) Avoid potential damage to adjacent properties from tower or antenna failure through engineering and careful siting of telecommunications tower structures and antennas;
- (5) Maximize use of any new and existing telecommunications towers so as to minimize the need to construct new towers and minimize the total number of towers throughout the city;
- (6) Maximize and encourage use of alternative telecommunications tower structures as a primary option rather than construction of additional single use towers; and

- (7) Encourage and promote the location of new telecommunications facilities in areas which are not zoned for residential use.

Sec. 502B – Federal and State Law

The regulations of this Article must be applied within the procedural and regulatory constraints of applicable federal and state telecommunications statutes.

Sec. 503B – Exclusions

The following shall be exempt from this chapter:

- (1) Any tower and antenna under fifty (50) feet in total height which is owned and operated by a federally licensed amateur radio operator;
- (2) Satellite dish antennas;
- (3) Towers and antennas operated by local, state or federal government for a necessary governmental function.

Sec. 504B – General Requirements for Telecommunications Facilities

(a) Generally, a special land use permit shall be required for all television, land mobile, communication, microwave, radio transmission antennas and towers, or any other type of wireless communication tower antenna or other wireless communication facility governed by this Article

(b) Requirements for a special use permit are as follows:

- (1) A special land use permit granted by the City Council is required for all proposed wireless communication facilities. Special land use permits for all wireless communication facilities will only be considered in the following zoning districts, pursuant to those additional restrictions listed herein: Forest, Agriculture (FA), Light Industrial (L-1) and Heavy Industrial (L-2).
- (2) A special land use permit granted by the City Council shall be required for the construction of all new wireless communication facilities within the City of Manchester, Georgia after the following factors are considered:
 - a. The environment surrounding the proposed site in relation to the proposed design of the facility.
 - b. The proposed height of any component of the facility in relation to the height of buildings, trees or other structures in the area.
 - c. Proximity to residential structures and residential district boundaries.

- d. Nature of uses on adjacent and nearby properties.
 - e. Surrounding topography, tree coverage and foliage.
 - f. Architectural design of the components of the facility, with particular reference to the aesthetics of design characteristics that have the effect of virtually eliminating visual obtrusiveness.
- (3) No telecommunications facilities shall be allowed within one thousand five hundred (1,500) feet of any dwelling. Measurements in this section shall be in a straight line from the base of the telecommunications facility to the nearest portion of the structure, building, dwelling, or other regulated structure.
- (4) In no district within the city shall an antenna as defined herein extend a distance greater than twenty (20) feet above the structure to which it is attached.

Sec. 505B – Requirements

- (a) At the time of filing the application for a tower, the applicant shall provide a site plan and information regarding topography, coverage zone, and tower height requirements.
- (b) Shared usage of towers and antenna facilities is encouraged, and towers shall be designed to accommodate such uses. Applicants are required to explore and fully utilize existing tower and antenna space.
- (c) All towers and antennas must meet or exceed current standards and regulations of the Federal Aviation Administration, the Federal Communications Commission, or such governing agency guidelines as may be established by named agencies.
- (d) 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 the air traffic safety. If lighting is required or necessary, the City Council may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding uses and views.
- (e) Advertising. No advertising or signage is permitted on telecommunications facilities.
- (f) Visual effects. If an antenna is installed on a structure other than a tower, the antenna and associated electrical and mechanical equipment must be of 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.
- (g) Accessory uses. Accessory structures used in direct support of a telecommunications facility shall be allowed but shall 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.

(h) Lot size and setbacks. Telecommunications facilities must be set back from any property line a sufficient distance to protect adjoining property from the potential impact of telecommunications facility failure by being sufficiently distant to accommodate such failure of the site. Such setback distance shall in no event be less than the calculated distance covered by the telecommunications facility should such fail, plus an additional ten (10) feet.

(i) On-site vegetation. Existing on-site vegetation shall be preserved or improved, and disturbance of the existing topography shall be minimized, unless such disturbance would result in less visual impact of the site to the surrounding area.

(j) Buffer strip and fence. Any tower site (including the entire "guyed" area) shall be surrounded by a buffer strip and fence as approved by the City Council based on applicable regulations of the UDO for buffers and fencing.

Sec. 506B – Action by City Council

(a) Upon receipt of a special use permit application, there will be a public hearing regarding the special use and building permit.

(b) Public notification. Legal notice of the public hearing before the City Council shall be published in the newspaper of general circulation for the City of Manchester, Georgia in which the legal advertisements of the city are published. The application advertisement shall include the date, time, place and purpose of the public hearing at least 15 days and not more than 45 days prior to the date of the first hearing by the City Council. Additionally, City staff shall cause a sign notifying the public of the time and date for the public hearing to consider rezoning to be placed in a conspicuous location on the property for which the permit is sought not less than 15 days prior to the date of the hearing. The signs shall be provided by the City.

(c) The City Council shall approve or deny any special use permit request and require any conditions deemed necessary or appropriate to maintain the safety, health, scenic value, and welfare of the City of Manchester, Georgia. Any special use permit for communications towers that is denied shall be supported by substantial evidence contained in a written record.

Sec. 507B – Standards for Review

(a) The City Council shall consider the following factors in determining whether to approve this proposed use:

- (1) Height of the proposed tower/fall zones;
- (2) Proximity of the tower to residential structures or uses which may be incompatible with the towers (such as private or public airports);
- (3) Nature of uses on adjacent and nearby properties;
- (4) Surrounding topography;

(5) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;

(6) Proposed ingress and egress; and

(7) Availability of suitable existing towers and other structures.

(b) Availability of suitable existing towers or other structures. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the governing authority that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:

(1) No existing towers or structures are located within the geographic area required to meet the applicant's engineering requirements;

(2) Existing towers and structures do not have sufficient height to meet the applicant's engineering requirements;

(3) Existing towers and structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment;

(4) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna;

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

(6) The applicant demonstrates that there are other limiting factors that render existing towers and structures unreasonable.

Sec. 508B – Action by City of Manchester

(a) Upon approval by the City Council, the special use permit and building permit shall be issued upon receipt of the fee as assessed in compliance with the schedule required by the City of Manchester, Georgia.

Sec. 509B – Maintenance of Facilities

(a) All wireless transmission facilities and related fencing and landscaping shall be maintained by the facility owner in good condition, order, and repair so that they shall not endanger the life or property of any person, nor shall they be a blight upon the property.

(b) All maintenance or construction on wireless transmission facilities shall be performed by persons employed by or under contract to the owner between the hours of 8:30 a.m. and 5:30 p.m. Monday through Friday except in cases of emergency. Access to facilities on city owned property shall be determined on a case-by-case basis by the department responsible for such property. The hours of access to city sites shall not exceed those specified above. Persons may not be present on site unless performing construction or maintenance at such site.

SO ORDAINED this _____ day of _____, 2023.

CITY OF MANCHESTER, GEORGIA

By: _____
Mayor

Council Members

City Clerk