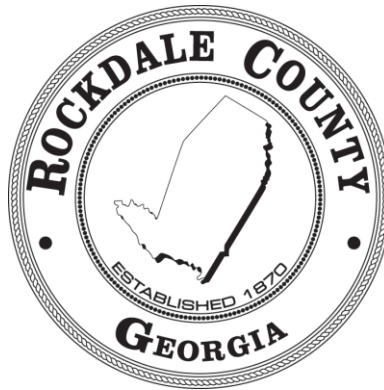


**ROCKDALE COUNTY
DEPARTMENT OF PLANNING & DEVELOPMENT**



**SPECIAL USE PERMIT APPLICATION
FOR TELECOMMUNICATION FACILITIES**

UNIFIED DEVELOPMENT ORDINANCE
TITLE II, CHAPTER 218

DEPARTMENT OF
PLANNING AND DEVELOPMENT

958 Milstead Avenue
Conyers, Georgia 30012

Phone: 770-278-7100
Fax: 770-278-8940
www.rockdalecounty.org

DOCUMENTS REQUIRED

Purpose of the Request:

- Request Form (p.5):** Address the nature of your request and the circumstances surrounding it. It may be hand written or typed.
- Justification:** Address each of the Application Review Standards in sub-section 238-6(m) of the Unified Development Code (see p.7). Provide complete and detailed answers.

Request Documents: (see Sec. 218-22 for details)

- Site Information (p.6):** General information on the property, and services and utilities.
- Survey plat:** Drawn to scale, showing the whole tract, all existing property improvements, signed and sealed by an architect, engineer, landscape architect or land surveyor (Sec. 218-22(b)).
- Legal description of the property:** This written description, found on the property deed, contains the metes & bounds of the site (Sec. 218-22(b)).
- Site plan:** Drawn to scale, showing all existing property improvements, and all proposed improvements (Sec. 218-22(c)).
- Context description:** Including photographic exhibits, of all structures and landscape within 500 feet of the exterior boundary of the property (Sec. 218-22(e)).
- Scaled elevations:** Showing the impact of the proposed facility (Sec. 218-22(d)).
- Balloon test:** (If the proposed structure is a tower) Must be conducted to illustrate the height of the proposed tower (Sec. 218-22(d)).
- Maintenance plan:** Anticipated maintenance needs (Sec. 218-22(f)).
- Engineer's report:** From an engineer licensed in Georgia to document including (Sec. 218-22(g)):
 - Design specifications
 - Evidence of structural integrity
 - Failure system and suitability of site
 - Facility capacity
- Service area map of the proposed facility:** Including existing network, service gaps and proposed coverage (Sec. 218-22(i)).
- County inventory and 5-year plan:** Showing all existing and proposed telecommunications facilities within and beyond ½ mile outside Rockdale County (Sec. 218-22(j)).
- Co-location alternatives:** Analysis of all existing structures and evidence that they could not accommodate the present request (Sec. 218-22(k)).
- Alternative sites:** (If the proposed site is in a residential area) Evidence that the facilities could not be located on a site zoned otherwise (Sec. 218-22(l)).

Justification of service: Demonstration of non-compliance with the federal license without the proposed facility (Sec. 218-22(m)).

Evidence of least-intrusive option: Description of studied alternatives and explanation of selection process leading to proposed facility (Sec. 218-22(n)).

Legal Statements:

Ownership Statement (p.8): If the property is listed in the name of the husband and wife, each must sign all documents. The property owner's signature(s) must be notarized. If the property has been sold within the last 90 days, submit a copy of the deed which shows the new owners name. Ownership of property will be verified against county tax records by staff.

Owner's Campaign Contribution Disclosure Statement (p.8): The owner(s) of the property is required to disclose political campaign contributions. It must be notarized.

Agent Authorization Form and Campaign Disclosure Statement (optional - p.9): If the owner of the property wishes to have someone represent his/her interest in all matters relating to this application, the current owner(s) of the property and their agent must sign this document. The authorized agent is required to disclose political campaign contributions. All signatures must also be notarized.

Attorney Authorization Form and Campaign Disclosure Statement (optional - p.10): If the owner of the property wishes to have an attorney represent his/her interest in all matters relating to this application, the current owner(s) of the property and their attorney must sign this document. The authorized attorney is required to disclose political campaign contributions. All signatures must also be notarized.

Payment:

Payment: The initial fee is \$1,000.00 and payable at the time of application. Consultant fees may be added, not to exceed a total fee of \$3,000.00. The Department will notify the Applicant of the final fee before the first hearing. The fee is non-refundable. It can be paid by check, credit card or money order payable to Rockdale County.

APPLICATION PROCESSING

Filing:

Applications will be sent to a telecommunication consultant selected by the County. If it does not meet all the requirements, the application will be returned for completion. Once deemed conform by the consultant, the filing date will be established as the first day of the upcoming month. The request will be considered at the following month's meeting of the Planning Commission (ex: An application officially filed on March 27 will be heard at the meeting in May).

Completed applications must be returned in person or by mail to the Department of Planning and Development:
958 Milstead Avenue, Conyers, Georgia 30012 (in person, Monday – Friday, 8am – 5pm)
P.O. Box 289, Conyers, Georgia 30012 (by mail)

Hearing:

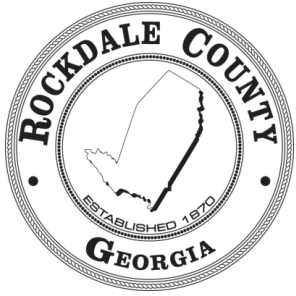
Once accepted, the application becomes public record. The property will be posted with a Public Notice sign and letters will be sent to adjoining and/or affected property owners. These letters will provide information regarding the request for an amendment, give the date and time of the hearings, and notify the addressee of their right to attend the meeting and make comments. You will also receive written notification of the meetings. If a balloon test is required, it will be mentioned in public notices.

At the meeting, you and your supporters will have 10 minutes to present your case. The commissioners may ask questions, at which point the timer will be stopped. The remaining time, if any, can be used for rebuttal to the opposition. Opponents to your request will share a total time of ten (10) minutes as well.

The Planning Commission meeting is held on the second Thursday of each month at 7:00 p.m. The Board of Commissioners public hearing on zoning is held on the fourth Tuesday of each month at 9:00 A.M. Both meetings are held at the Rockdale County Assembly Hall located at 901 North Main Street, Conyers, Georgia. Please plan to attend or have your agent attend both meetings to represent your request.

Copies:

Five (5) bound copies of the initial submittal are required. Once the consultant has approved the application, twelve (12) bound copies shall be submitted for review.



Filing date:	_____
Case number:	_____
Parcel number:	_____
Planning Commission date:	_____
BOC Public Hearing date:	_____

**SPECIAL USE PERMIT REQUEST FORM
TELECOMMUNICATION FACILITIES**

PROPERTY INFORMATION

Property location:	_____		
Subdivision:	_____		
Land Lot(s):	_____ District(s):	_____	
Current land use designation:	_____	Proposed land use designation:	_____
Current zoning district:	_____	Proposed zoning district:	_____
Are there conditions of zoning for the property? If so, please list:			
Special use permit requested and purpose:	_____		

CONTACT INFORMATION

Property owner(s):	_____		
Owner's address:	_____		
Telephone:	_____	Email:	_____
Agent:	_____		
Telephone:	_____	Email:	_____

I have read and understood the applicable sections of the Rockdale County Unified Development Code, as provided in annex of this application.

Signature: _____ Date: _____

SITE INFORMATION

ADJACENT ROADS: NORTH _____
 SOUTH _____
 EAST _____
 WEST _____

NEAREST SCHOOLS:	NAME	ENROLLMENT	CAPACITY
ELEMENTARY	_____	_____	_____
MIDDLE	_____	_____	_____
HIGH SCHOOL	_____	_____	_____

POTABLE WATER:

PUBLIC SYSTEM LOCATION OF NEAREST LINE _____
 DIAMETER OF LINE _____
 DISTANCE TO CLOSEST FIRE HYDRANT _____

WELL _____

WASTEWATER:

PUBLIC SEWER NEAREST TREATMENT PLANT _____
 MAXIMUM OPERATING CAPACITY OF PLANT _____
 LEVEL OF OPERATION _____

SEPTIC TANK EVALUATION BY SOIL SCIENTIST (DATE) _____
 APPROVAL BY ENVT'L HEALTH DPT (DATE) _____

STORMWATER:
 FIRM PANEL NO. _____

BODY OF WATER ON OR ADJACENT TO PROPERTY _____

PROPERTY WITHIN FLOOD PLAIN _____

GAS PROVIDER: _____

ELECTRICITY PROVIDER: _____

EASEMENT(S) ON PROPERTY _____

Useful contact information:
 Rockdale County Public Schools: 770-483-4713
 Rockdale Water Resources: 770-278-7400
 Rockdale County Transportation: 770-278-7100
 Rockdale County Stormwater Department: 770-278-7155

JUSTIFICATION OF THE REQUEST

In your own words, type or hand write the reason you believe a special use permit should be granted. Please address each the review standards as they are the basis for the evaluation of the request. Provide detailed and complete answers.

Sec. 238-6(m):

1. Does the proposed project meet all the zoning requirements, including parking, loading, setbacks and buffers?
2. Is the proposed project compatible with the land uses of neighboring properties, including size, scale and massing of proposed building?
3. Is the access to the property, including all buildings, structures and uses, adequate? Will the project impact traffic, or the capacity and safety on nearby public streets?
4. Is the project consistent with the county's wastewater system capacity? If an alternative wastewater treatment method is proposed, would this method have a detrimental impact on the environment?
5. Are other public facilities and services, such as stormwater management, schools, parks, sidewalks, and utilities, sufficient to serve the proposed project?
6. Would the proposed project have adverse impacts on nearby properties, including noise, smoke, odor, dust or vibration?
7. Would the project create adverse impact on nearby properties by its operations, including business hours?
8. Would the project create adverse impacts on the natural environment?

OWNERSHIP STATEMENT & OWNER'S CAMPAIGN DISCLOSURE STATEMENT

To be completed by each owner of the property as it appears on the Rockdale County Tax Records. Husband and wife or other individuals shall each sign individually. Make copies if needed.

As the current owner(s) of the subject property, I (We) respectfully request a variance(s) for the subject property.

Owner's name: _____
 Owner's signature: _____ Date: _____
 Owner's address: _____

<input type="checkbox"/>	No, I have not made, within two (2) years immediately preceding the filing of this application, campaign contributions or gifts of \$250.00 or more to a local government official of Rockdale County, Georgia.
<input type="checkbox"/>	Yes, I have made, within two (2) years immediately preceding the filing of this application, campaign contributions or gifts of \$250.00 or more to a local government official of Rockdale County, Georgia.

If yes, provide the name and official position of the local government official to whom the campaign contribution during the two years immediately preceding the filing of the application, the dollar amount, description of each contribution, and the date each contribution was made. Use the back of this sheet, and continue on a separate sheet if necessary, in the following format:

Name	Position	Amount	Description	Date

Notary's Seal:

Notary's Signature: _____
 Commission expires: _____ Date: _____

APPLICANT AUTHORIZATION FORM

To be completed by the property owner, if they wish to have an agent represent them in all matters related to this application.

I hereby certify that the information provided in this application is true and correct and that I have authorized the following agent to make the request, claims and representation pursuing this application.

Applicant's name: _____

Applicant's signature: _____ Date: _____

Owner's name: _____

Owner's signature: _____ Date: _____

APPLICANT'S CAMPAIGN CONTRIBUTION DISCLOSURE STATEMENT

<input type="checkbox"/>	No, I have not made, within two (2) years immediately preceding the filing of this application, campaign contributions or gifts of \$250.00 or more to a local government official of Rockdale County, Georgia.
<input type="checkbox"/>	Yes, I have made, within two (2) years immediately preceding the filing of this application, campaign contributions or gifts of \$250.00 or more to a local government official of Rockdale County, Georgia.

Applicant's signature: _____ Date: _____

If yes, provide the name and official position of the local government official to whom the campaign contribution during the two years immediately preceding the filing of the application, the dollar amount, description of each contribution, and the date each contribution was made. Use the back of this sheet, and continue on a separate sheet if necessary, in the following format:

Name	Position	Amount	Description	Date

Notary's Seal:

Notary's Signature: _____

Commission expires: _____ Date: _____

AGENT AUTHORIZATION FORM

To be completed by the property owner, if they wish to have an agent represent them in all matters related to this application.

I hereby certify that the information provided in this application is true and correct and that I have authorized the following agent to make the request, claims and representation pursuing this application.

Agent's name: _____

Agent's signature: _____ Date: _____

Owner's name: _____

Owner's signature: _____ Date: _____

AGENT'S CAMPAIGN CONTRIBUTION DISCLOSURE STATEMENT

<input type="checkbox"/>	No, I have not made, within two (2) years immediately preceding the filing of this application, campaign contributions or gifts of \$250.00 or more to a local government official of Rockdale County, Georgia.
<input type="checkbox"/>	Yes, I have made, within two (2) years immediately preceding the filing of this application, campaign contributions or gifts of \$250.00 or more to a local government official of Rockdale County, Georgia.

Agent's signature: _____ Date: _____

If yes, provide the name and official position of the local government official to whom the campaign contribution during the two years immediately preceding the filing of the application, the dollar amount, description of each contribution, and the date each contribution was made. Use the back of this sheet, and continue on a separate sheet if necessary, in the following format:

Name	Position	Amount	Description	Date

Notary's Seal:

Notary's Signature: _____

Commission expires: _____ Date: _____

ATTORNEY AUTHORIZATION FORM

To be completed by the property owner, if they wish to have an agent represent them in all matters related to this application.

I hereby certify that the information provided in this application is true and correct and that I have authorized the following attorney to make the request, claims and representation pursuing this application.

Attorney's name: _____

Name of Practice: _____

Attorney's signature: _____ Date: _____

Owner's name: _____

Owner's signature: _____ Date: _____

ATTORNEY'S CAMPAIGN CONTRIBUTION DISCLOSURE STATEMENT

<input type="checkbox"/>	No, I have not made, within two (2) years immediately preceding the filing of this application, campaign contributions or gifts of \$250.00 or more to a local government official of Rockdale County, Georgia.
<input type="checkbox"/>	Yes, I have made, within two (2) years immediately preceding the filing of this application, campaign contributions or gifts of \$250.00 or more to a local government official of Rockdale County, Georgia.

Attorney's signature: _____ Date: _____

If yes, provide the name and official position of the local government official to whom the campaign contribution during the two years immediately preceding the filing of the application, the dollar amount, description of each contribution, and the date each contribution was made. Use the back of this sheet, and continue on a separate sheet if necessary, in the following format:

Name	Position	Amount	Description	Date

Notary's Seal:

Notary's Signature: _____

Commission expires: _____ Date: _____

UNIFIED DEVELOPMENT ORDINANCE
CHAP. 218 TELECOMMUNICATION FACILITIES

Sec. 218-20. General.

(a) Title.

This article shall be known and may be referred to as the "Rockdale County Telecommunications Ordinance."

(b) Authority.

This article is enacted pursuant to Rockdale County's exclusive zoning and planning authority granted by the Constitution of the State of Georgia, including but not limited to article 9, section 2, paragraph 4, and article 9, section 2, paragraph 3, as well as authority granted by the General Assembly of the State of Georgia, including but not limited to O.C.G.A. § 36-70-3, as well as the general police powers of Rockdale County and other authority provided by federal, state and local laws applicable hereto.

(c) Findings, purpose, and intent.

Rockdale County finds that the number, height, design, characteristics and location of telecommunications towers and antennas in the county directly affect the public health, safety and general welfare. The county finds that such structures have substantially increased in number in the county, and are likely to continue to do so in the future. The county further finds that such structures, when inappropriately located, have the potential to pose a danger to surrounding property owners and the general public, and substantially detract from the beauty and appearance of the county. The county finds that there is substantial need directly related to the public health, safety and welfare to comprehensively address those concerns through the adoption of the following regulations. These regulations are designed and intended to balance the interests of residents of Rockdale County, telecommunication providers and telecommunication customers in the siting of telecommunication facilities in Rockdale County so as to protect the public health, safety and welfare and the integrity and character of residential neighborhoods and to foster, through appropriate land use controls, a competitive environment for telecommunication carriers without prohibiting the provision of personal wireless services or unreasonably discriminating among providers of functionally equivalent personal wireless services. The purpose and intent of the governing authority of Rockdale County in enacting this article are as follows:

- (1) Avoid locating telecommunication facilities in residential areas whenever possible.
 - (2) Encourage the location of towers in appropriate nonresidential areas.
 - (3) Protect Rockdale County's built and natural environment by promoting compatible location and design standards for telecommunication facilities.
 - (4) Encourage placement of telecommunication facilities in areas where the adverse impact on the community is minimal.
 - (5) Maximize the co-location of services on new and existing towers so as to minimize the need for new towers and reduce the total number of towers.
 - (6) Encourage use of alternate telecommunication technologies as a primary option rather than construction of additional single-use towers.
 - (7) Minimize adverse visual effects of telecommunication facilities through careful design, siting, screening, and utilization of innovative technology.
 - (8) Avoid potential damage to adjacent properties and personal injury from tower failure and falling ice and debris through engineering, careful siting of telecommunication structures, and other requirements.
 - (9) Ensure compliance with applicable federal statutes and regulations, including the Telecommunications Act of 1996, as amended.
 - (10) Lessen traffic impacts on surrounding residential areas.
 - (11) Further the implementation of the county's comprehensive plan.
- (Ord. No. 0-2006-32, §§ 1--3, 11-28-2006)

Sec. 218-21. Scope of regulations.

(a) Compliance required.

Except as specified in this subsection, it shall be unlawful for any person to erect, install, construct, enlarge, move, alter or convert any telecommunications tower or antenna or cause the same to be done within Rockdale County except in accordance with the provisions of this article IV. Except as otherwise specifically provided herein, all towers and antennas shall also comply with all development regulations applicable to the district in which said tower or antenna is located.

(b) Height limitations.

Height limitations applicable to buildings and structures set forth elsewhere in chapter 214 of the UDO shall not apply to towers and antennas which are subject to this section.

(c) Public property.

Antennas or towers located on property owned, leased, or otherwise controlled by the governing authority shall be exempt from the requirements of this article, provided a license or lease authorizing such antenna or tower has been approved by the governing authority in accordance with the governing authority's telecommunications leasing policy.

(d) Pre-existing towers and antennas.

Any tower or antenna for which a permit has been properly issued and lawfully continues in effect prior to the effective date of this article shall not be required to meet the requirements of this ordinance, other than the requirements of subsections 218-23(b) through (f) inclusive.

(e) Amateur radio equipment.

This article shall not govern receiving or transmitting equipment owned and operated by a federally licensed amateur radio station operator provided that the total height of the antenna and its associated tower or other supporting device shall not exceed 100 feet. Additional height may be authorized by the board of adjustment in compliance with chapter 238 of the Rockdale County UDO.

(f) Receive-only equipment.

This article shall not govern "receive-only" antennas or satellite dishes provided the total height of the antenna or dish and its associated tower or other supporting device shall not exceed 100 feet. Additional height may be authorized by the board of adjustment in compliance with chapter 238 of the Rockdale County UDO.

(Ord. No. 0-2006-32, §§ 1--3, 11-28-2006)

Sec. 218-22. Application requirements and standards.

(a) All telecommunication antennas and towers shall require a permit issued pursuant to the requirements of this article. Prior to review and decision regarding a requested permit, a complete application shall be filed with the department of public services and engineering. Said application shall provide all of the following information and documentation and meet each of the standards set forth below. No application shall be deemed complete and filed until all of the following information has been provided.

(b) A **survey drawing or plat** of the entire tract, sealed by a surveyor registered in the State of Georgia, showing the location of all lot lines, leased areas, easements, access points, structures, screening and landscaping existing on site, and including a metes and bounds legal description of the entire tract.

(c) A **site plan**, prepared and sealed by an appropriate licensed professional, to scale, specifying the location and all dimensions of the telecommunications facilities, as well as all other improvements, height of facilities, topography using two-foot contours, setbacks, transmission building and/or other accessory uses, access, drives, parking, fences, landscape plan, and all land uses within 500 feet of the exterior boundary of the leased area or proposed tower site.

(d) Scaled **elevations** showing the impact of the proposed telecommunications facility. If the proposal is for a tower, the applicant shall also arrange a balloon test with department of public services and engineering staff, to be conducted at a date and time coordinated by staff, physically demonstrating the actual height and location of the proposed tower.

(e) A full **description**, including photographic exhibits, of the environment surrounding the proposed telecommunications facility, including all residential structures and zoning districts within 500 feet of the exterior boundary of the leased area or proposed telecommunications facility site, existing tree coverage and general topography within said distance, and any districts, structures or sites of historic significance.

(f) 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.

(g) A **report** from a qualified engineer licensed in the State of Georgia, documenting each of the following:

- (1) Telecommunications facility height and design, including technical, engineering, economic, and all other pertinent factors governing selection of the proposed design and demonstrating that the proposed facility would provide the required coverage or capacity;
- (2) Total anticipated capacity of the telecommunications facility, including number and types of antennas which can be accommodated;
- (3) Evidence of structural integrity of the telecommunications facility; and
- (4) Structural failure characteristics of the telecommunications facility and demonstration that site and setbacks are of adequate size to contain debris should a failure occur.

(h) The identity of a **community liaison officer** appointed by the applicant to resolve issues of concern to neighbors and residents relating to the construction and operation of the facility, including name, address, telephone number, facsimile number, electronic mail address and pager number.

(i) Identification of the **geographic service area** to be served by the subject installation, including accurately scaled color radio frequency (RF) plotted maps showing the applicant's existing network including the proposed site as well as the nearest or associated telecommunications facility site within the network, proposed coverage, and the existing network overlaid with plots of all potential co-location sites and containing sufficient engineering data to show that said sites would not be feasible to fill significant, required service gaps.

(j) A **site inventory** and five-year facilities plan including the following:

- (1) An inventory of all the applicant's existing and proposed telecommunications facility sites within Rockdale County and within one-half mile of the border thereof, and a map showing each of these sites. If no such sites are located within one-half mile of the border, the applicant's inventory shall include the applicant's nearest facility in each adjoining jurisdiction. The list must include (1) street address, land lot, section, district, and parcel number; (2) zoning district; (3) type of building or structure and number of stories or height; (4) the number of towers, antennas and base transceiver stations per site, the location and type of antenna installation, and the location of the base transceiver station installation(s); (5) the telecommunications facility height and (6) the radio frequency range of megahertz, the wattage output of the equipment and effective radiated power.
- (2) 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 land lots contained within the anticipated geographic service area and identify each geographic service area with a number that will correspond to the future telecommunication facility site.

Telecommunication Facilities - Special Use Permit Application

(k) Applicants for towers must identify all existing towers, and major structures potentially capable of supporting telecommunication equipment, and all towers for which there are applications currently on file with the department of public services and engineering which are located within the applicant's search area. This shall include a description of the distance and location of all such tower and structure sites, both within and outside the applicant's network. Evidence shall be submitted which demonstrates that no existing or pending tower or major structure can accommodate the applicant's proposed antenna and shall consist of analysis of the following:

- (1) No such towers or structures are located within the geographic area required to meet applicant's engineering requirements;
 - (2) Such towers or structures are not of sufficient telecommunications facility height to meet applicant's engineering requirements and cannot be adequately modified;
 - (3) Such towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment and can not be adequately modified;
 - (4) Such towers, structures and existing tower sites lack space to locate the proposed antenna or to construct a tower for the proposed antenna;
 - (5) The applicant's proposed antenna would cause electromagnetic interference with the antenna on such towers or structures, or the antenna on such towers or structures would cause interference with the applicant's proposed antenna; and
 - (6) The applicant demonstrates that there are other factors that render such towers and structures unusable.
 - (7) If the evidence demonstrates co-location is feasible and if co-location on any such towers or structure would result in less visual impact than the visual impact of the proposed tower, applicant shall justify why such co-location is not being proposed. If co-location on any such tower or structure would increase negative visual impact, then the applicant must so state and demonstrate. Requests by the applicant to co-locate on existing towers and structures shall be in writing and said written requests as well as written denials of same are required and shall be included in the application materials. The county will review with special care justifications that rely upon undue expense and/or difficulties in entering into a lease agreement. The county shall carefully weigh such claims, and the evidence presented in favor of them, against a project's negative impacts at the proposed site and on the surrounding area.
- (l)** If the proposed site is zoned A-R, R-1, R-2, CRS, CSD, MUR, RM, MxD or W-P, applicants for towers shall provide evidence as to why alternate sites in the CID, NC, C-I, C-2, O-I, OBP, M-1 or M-2 zoning districts have not been proposed. If requests by the applicant to utilize said alternate sites have been denied, said denials shall be in writing and included in the application materials. The county will review with special care justifications that rely upon undue expense and/or difficulties in entering into a lease agreement. The county shall carefully weigh such claims, and the evidence presented in favor of them, against a tower's negative impacts at the proposed site and on the surrounding area.
- (m)** In all zoning districts, applicants shall provide evidence demonstrating that they cannot provide adequate personal wireless communication service consistent with the requirements of their federal license without the use of a telecommunications facility at the specific location requested.
- (n)** The applicant for a tower shall provide evidence establishing that the proposed tower constitutes the least intrusive means necessary to close significant service gaps or otherwise provide coverage mandated by the terms of their federal license. Statements shall be provided demonstrating that all alternatives have been investigated by the applicant, including alternative tower design, alternative technology, multiple smaller sized, less-intrusive towers, alternative locations, co-location opportunities for placement upon existing structures or buildings, and similar alternatives.
- (o)** The applicant shall provide any other evidence necessary to establish compliance with each of the criteria set forth in this article IV.
- (p)** The applicant shall provide any other information requested by the department needed to fully evaluate the potential impact of the proposed facility in accordance with the criteria set forth in this article IV.
- (q)** In order to cover the actual cost to Rockdale County of reviewing these applications and obtaining expert opinion and studies, the following fees are hereby established. For those telecommunications facility applications requiring administrative approval, a fee of \$500.00 shall be paid at the time of application. For telecommunication facility applications requiring a special use permit, a fee of \$1,000.00 shall be paid at the time of application. If the actual cost to Rockdale County is greater than this fee, the applicant shall be billed for the difference and payment shall be made prior to the hearing before the board. In no case shall the maximum total charge exceed \$3,000.00.
- (Ord. No. 0-2006-32, §§ 1-3, 11-28-2006)

Sec. 218-23. Requirements for all telecommunications facilities.

The following requirements shall apply to all telecommunications facilities:

(a) Multiple uses.

The presence of existing uses or structures on the same lot shall not preclude the installation of an antenna or tower on such lot provided said installation is otherwise in accordance with this article IV. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to set-back requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lots.

(b) Building codes and safety standards.

To ensure the structural integrity of telecommunications facilities, the owner of such a facility shall ensure that it is maintained in compliance with standards contained in applicable Rockdale County and state building and safety codes for telecommunications

Telecommunication Facilities - Special Use Permit Application

facilities, as amended from time to time. Towers shall be located in a manner such that all ice-fall or debris from the tower or alternative tower structure or guy wires will not fall outside the parcel under the ownership or control of the applicant and on which the tower is located.

(c) Regulatory compliance.

All telecommunications facilities must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate telecommunications facilities. If such standards and regulations are changed, to the extent required by any such regulations, then the owners of the telecommunications facilities governed by this article shall bring such telecommunications facilities into compliance with such revised standards and regulations within the date established by the agency promulgating the standards or regulations.

(d) Security.

All telecommunications facilities shall be equipped with an appropriate anti-climbing device or other similar protective device(s) to prevent unauthorized access to the telecommunications facility. All towers shall be enclosed by security fencing not less than six feet in height.

(e) Lighting.

No illumination is permitted on telecommunications facilities unless required by the FCC, FAA or other state or federal agency of competent jurisdiction. If lighting is required, it shall be to the minimum applicable standard and shall be shielded and/or designed so as to minimize disturbance to surrounding areas.

(f) Advertising.

No signs shall be permitted on telecommunications facilities unless required to be posted by the FCC or FAA. Antennas added to existing structures containing signs shall not be construed as violations of this provision.

(g) Visual impact.

- (1) 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.
- (2) If an antenna is installed on a structure other than a tower, the antenna and associated electrical and mechanical equipment must be of a 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.
- (3) Where feasible, telecommunications facilities should be placed directly above, below or incorporated into horizontal or vertical design elements of a building to help in camouflaging.
- (4) The design of the buildings and related structures at a telecommunications facility site shall, to the maximum extent possible, use materials, colors, textures, screening and landscaping that will blend the telecommunication facilities to the existing natural setting and built environment.
- (5) Equipment shelters or cabinets shall be either below grade or screened from public view by using landscaping or materials and colors consistent with the surrounding backdrop. The shelter or cabinet must be regularly maintained.

(h) Landscaping.

- (1) Landscaping shall be provided that effectively screens the view of the equipment shelters or cabinets from adjacent uses to a planted height of at least six feet and in a manner that effectively reduces visual obtrusiveness of the site. The standard buffer shall consist of a landscape strip at least ten feet wide outside the required fence. All landscaping shall be reviewed and approved by the county arborist for compliance with all county landscaping and tree regulations prior to the issuance of any certificate of occupancy (CO). If there is no county arborist, then the director shall designate the appropriate person to review said regulations. All landscaping shall be maintained for the duration of the facility.
- (2) Existing trees and vegetation on the site shall be preserved to the greatest extent possible. The applicant shall provide a landscaping plan showing existing trees and vegetation to be removed, and vegetation to be replanted to replace that lost, in order to meet the requirements of this section.
- (3) In locations where the strict application of this landscaping requirement would not result in the minimization of visual impact, as determined by the department, the department may modify or waive this requirement in a manner that is at least equally protective of the visual impact of the tower on adjacent and surrounding properties.

(i) Accessory uses. Accessory structures used in direct support of a telecommunications facility shall be allowed but not 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.

(j) Setbacks.

Telecommunications towers and antennas shall be set back a distance equal to the total height of the tower from any adjacent property line and all public rights-of-way, measured radially from the base of the tower. In addition, all telecommunication facilities, including towers, guy wires and accessory facilities, shall meet the set back and other development standards specified for the applicable zoning district.

(k) Site integration.

Site location and development shall preserve the preexisting character of the surrounding buildings and land uses. Towers and alternative tower structures shall be integrated through location and design to blend in with existing characteristics of the site.

(l) Multiple towers.

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Placement of more than one tower on a lot shall be permitted, provided all set back, design and landscape requirements are met as to each tower. Structures may be located as close to each other as technically feasible, provided tower failure characteristics of the towers on the site will not lead to multiple failures in the event that one fails. The clustering of new towers on the same parcel near existing telecommunications facilities is encouraged in situations in which the other requirements of this article IV are met.

(m) Historic areas.

Telecommunications facilities shall not be sited where they will negatively affect historic properties or scenic view corridors identified by the governing authority or any state or federal law or agency.

(n) Co-location design.

Any tower proposed for a height of between 80 and 100 feet shall be designed and intended to accommodate two users. Any tower proposed at a height greater than 100 feet and up to 150 feet shall be designed and intended to accommodate at least three users. Any tower proposed for a height of over 150 feet shall be designed and intended to accommodate at least four users.

(o) Removal requirements.

Any antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or tower shall remove same within 90 days of receipt of notice from the governing authority notifying the owner of such abandonment.

(p) Conditions.

In granting administrative or special use permit authorization pursuant to this article IV, conditions may be imposed to minimize or ameliorate any negative impacts or effects of the proposed telecommunications facility on adjacent properties.

(q) Annual reports.

The owners of all telecommunications facilities operated within Rockdale County shall file an annual report with the Rockdale County Tax Assessor's Office. Said report shall be filed on or before the 31st day of December each year, and shall include the following:

- (1) Certification that the telecommunications facility is currently in use, and if not in use, the date the telecommunications facility ceased being in use.
- (2) A report from a licensed professional engineer or other qualified industry expert that the facility structure meets or exceeds all relevant federal or state requirements.
- (3) A report by a radio frequency engineer or other appropriate industry expert that the facility is in compliance with current FCC radio emission standards as well as the terms of their federal license.
- (4) An updated, current inventory of the owner's existing telecommunication facility sites within Rockdale County.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 218-24. District regulations.

Telecommunications facilities shall be specifically permitted only by administrative approval or by special use permit approval as follows. In addition to the following requirements, all such uses shall comply with the application standards and requirements of section 218-22 and the general standards and requirements of section 218-23 as well as all other applicable county ordinances.

(a) Uses permitted administratively. The following telecommunication facilities may be approved administratively by the director following administrative review.

- (1) In commercial zoning districts C-1 and C-2, locating a tower up to a telecommunications facility height of 35 feet, or 50 feet if designed and intended to accommodate at least two users, including the placement of accompanying antennas and supporting equipment used in connection with the tower or antennas.
- (2) In industrial zoning districts M-1 and M-2, locating a tower up to a telecommunications facility height of 50 feet, or 100 feet if designed and intended to accommodate at least two users, including the placement of accompanying antennae and supporting equipment used in connection with the tower or antenna.
- (3) Installing an antenna, including microcells and similar arrays, on an existing structure other than a tower, such as a non-residential building, sign, light pole, water tower, or other free-standing non-residential structure, in any district zoned C-1, C-2, O-I, OBP, M-1 or M-2 so long as said additional antenna adds no more than 20 feet to the telecommunication facility height of said existing structure. For antennas attached to the roof or a supporting structure on a rooftop, a 1:1 setback ratio (example: ten feet high antenna and supporting structures requires a ten-foot setback from edge of roof) shall be maintained unless an alternative placement: (i) is shown to reduce the visual impact from surrounding areas; or (ii) is necessary to achieve the antenna's telecommunication purpose and is shown to equal or reduce the visual impact from surrounding areas.
- (4) Alterations to existing telecommunications towers, alternative tower structure, or antennas, including addition of additional antennas, provided that such alteration does not result in an increase in the existing telecommunications tower or antenna height by more than 20 feet. The director may relax or eliminate the application requirements set forth in section 218-22 for alteration applications if the director determines that said application requirements are not necessary to effectively evaluate the alteration application.
- (5) Administrative approval for subsection (a)(1) through (4) above shall be granted only upon a finding by the director that (a) compliance with sections 218-22 and 218-23 and all other requirements of county codes, has been fully established; and (b) the proposal is compatible with the land uses surrounding the site and will not create a demonstrated negative impact to any residential areas from which said proposal can be viewed.

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(b) Uses permitted by special use permit. A special use permit shall be required for all telecommunications facilities not authorized administratively in subsection (a) above. Said telecommunication facilities may be erected, installed, constructed, enlarged, moved, or converted only following approval of a special use permit by the board subject to the following regulations:

- (1) *Compliance with section 238-6.* The granting of a special use permit for a telecommunications tower or antenna shall be subject to all provisions of section 238-6 of the Rockdale County UDO except:
 - a. Notwithstanding the provisions of section 238-6, special use permits for telecommunication towers and antennas shall not expire, but shall continue indefinitely or for such time as is established by the board in a particular case.
 - b. The procedures referenced in section 238-6 shall be modified so as to allow an additional 30-day time period following receipt of a complete application and prior to the 60-day submission for advertisement, so as to allow additional time to secure independent analysis of submitted data and adequately review all application materials.
 - (2) *Compliance with other standards.* All proposed telecommunication facilities shall comply with the application standards and requirements of section 218-22 and the general standards and requirements of section 218-23 as well as all other applicable county ordinances.
 - (3) *Residential districts not favored.* No tower permit shall be granted for any site zoned A-R, R-1, R-2, CRS, CSD, MUR, RM, MxD or W-P unless the evidence establishes that it is not possible to locate said tower in a non-residential district and close significant service gaps or otherwise provide personal wireless communication service mandated by the terms of the applicant's federal telecommunications license.
 - (4) *Co-location.* No tower permit shall be granted unless the applicant demonstrates that no existing tower or structure can accommodate the applicant's proposed antenna.
 - (5) *Least intrusive means required.* No tower permit shall be granted unless the evidence establishes that the proposed tower's location and design constitute the least intrusive means necessary to close significant service gaps or otherwise provide personal wireless communication service mandated by the terms of the applicant's federal telecommunications license.
- (c) Factors considered in granting special use permits.** In addition to requiring compliance with subsection (b)(1) through (5) above, the governing authority shall consider the following factors in determining whether to issue a special use permit, as well as those factors set forth in section 238-6 of the Rockdale County UDO. No special use permit shall be granted unless the governing authority determines that the proposed telecommunications facility is compatible with the surrounding land uses as determined by application of the following factors to the specific application:
- (1) The proposed telecommunications facility height and the height of adjacent or nearby structures and/or tree coverage.
 - (2) Proximity of the telecommunications facility to residential structures and residential district boundaries and the degree of visual intrusiveness of the proposed tower or facility from said residential areas.
 - (3) Nature of uses of adjacent and nearby properties.
 - (4) Surrounding topography, particularly with regard to the ability to screen or fail to screen proposed telecommunications facilities.
 - (5) Surrounding tree coverage and foliage, particularly with regard to the ability to screen or fail to screen proposed telecommunications facilities.
 - (6) Design of the telecommunications facility, with particular reference to design characteristics and/or alternative tower structures that have the effect of reducing or eliminating visual obtrusiveness.
 - (7) Proposed ingress and egress.
 - (8) The extent to which compliance with subsections 218-22(k) and 218-22(l) has been demonstrated for the particular location selected by the applicant.
- (Ord. No. 0-2006-32, §§ 1--3, 11-28-2006; Ord. No. 2007-09, § 12, 5-22-2007)

Sec. 218-25. Decisions.

All final decisions made pursuant to this chapter with regard to the issuance or denial of special use permits or administratively approved permits for telecommunications towers and antennas shall be in writing and a written record shall be maintained by the director of the department or by the commissioners as applicable. Such decisions shall be made within a reasonable time from the date completed application is duly filed with the department.

(Ord. No. 0-2006-32, §§ 1--3, 11-28-2006)

Sec. 218-26. Conflicts.

If any conflicts occur between the terms of this article and the terms of any other section or ordinance of the Rockdale County Code, the provision imposing the more restrictive standard shall prevail. If said conflicting provisions are equally restrictive, the provisions of this article IV shall prevail.

(Ord. No. 0-2006-32, §§ 1--3, 11-28-2006)

UNIFIED DEVELOPMENT ORDINANCE SEC. 238-6 SPECIAL USE PERMIT

(a) Purpose.

The purpose of this section is to provide for uses that are generally compatible with the use characteristics of a zoning district but that require individual review of their location, design, intensity, configuration and public facility impact to determine the appropriateness of the use of any particular site in the district and compatibility with adjacent uses. A special use may not be approved in a given zoning district unless it is listed as a special use for the subject district in the use table in section 218 of the UDO.

(b) Authority.

The board of commissioners may, in accordance with the procedures, standards and limitations of the UDO, take final action on applications for special use permits for those uses listed in each of the zoning districts in the use table in section 218 of the UDO.

(c) Application procedures.

- (1) Special use permit applications may be initiated upon application by the owner(s) of the subject property or the authorized agent of the owner(s).
- (2) Applications for special use permits shall be made on forms published and provided by the department and shall be filed with the department.
- (3) Each applicant shall complete all questions and requested materials contained within the required application form and shall provide all of the following information:
 - a. Survey plat of subject property, prepared within the last ten years by a professional engineer, landscape architect or land surveyor registered in the State of Georgia. Said survey plat shall:
 1. Indicate the complete boundaries of the subject property and all buildings and structures existing thereon.
 2. Include a notation as to whether or not any portion of the subject property is within the boundaries of the 100-year floodplain.
 3. Include a notation as to the total acreage or square footage of the subject property.
 - b. Name, mailing address and phone number of all owners of the property which is the subject of the application for special use permit;
 - c. Signed and notarized affidavit of all owners of the subject property authorizing the filing of the application for special use permit, and where applicable, the signed and notarized affidavit of the owner(s) of the subject property authorizing an applicant or agent to act on their behalf in the filing of the application for special use permit. The application also shall contain the mailing address, email address, fax number and phone number of any applicant or agent who is authorized to represent the owner(s) of the subject property;
 - d. Written legal description of property.
 - e. Statement of current zoning classification of property, the proposed use of the property.
 - f. A written, documented analysis of the impact of the proposed special use permit with respect to each of the criteria contained in subsection (m) of this section and, where applicable to the use proposed, also the applicable supplemental regulations contained in chapter 218, article III of the UDO.
 - g. Complete and detailed site plan of the proposed use prepared, signed and sealed by an architect, landscape architect or engineer licensed in the State of Georgia showing the following:
 - A. All buildings and structures proposed to be constructed and their location on the property;
 - B. Height of proposed building(s);
 - C. Proposed use of each portion of each building;
 - D. All driveways, parking areas, and loading areas;
 - E. Location of all trash and garbage disposal facilities;
 - F. Setback and buffer zones required in the district in which such use is proposed to be located;
 - G. Existing uses and current zoning of adjacent properties;
 - H. Landscaping plan for parking areas;
 - I. Method of wastewater treatment for the proposed use;
 - J. All other information necessary to demonstrate compliance with subsection (m) of this section and chapter 218, article III, as applicable.
- (4) Application fees. Application fees shall be as established by ordinance by the board of commissioners.

(d) Staff analysis, findings of fact, and recommendations.

- (1) Applications shall be filed on forms provided by the department and shall not be considered an authorized application unless complete in all respects.
- (2) The department shall conduct a site inspection and shall prepare an analysis of each application for special use permit and shall present its findings and recommendations in written form to the planning commission.
- (3) Staff recommendations on each application for special use permit shall be based on the criteria contained in subsection (m) of this section and in addition, where applicable to the use proposed, to the applicable supplemental regulations contained in

(e) Initiation of ordinance.

Applications for a special use permit may only be initiated by the owner(s) of the subject property or the authorized agent(s) of the owner(s) of the property. Once an application for a special use permit is initiated, no application for a land disturbance permit or land development or building permit, variance or appeal for property subject to such amendment shall be accepted until final action is taken on the proposed amendment. Following an application for a special use permit, the department of planning and development shall present an ordinance to the board of commissioners for consideration of a first reading. The board of commissioners shall refer the application to the planning commission for review and recommendation.

(f) Notice of applications filed.

The department shall provide to the board of commissioners, no later than 21 days following the monthly closing date for receipt of applications, a list of all applications for special use permit. The listing of applications shall be reasonably made available to the public.

(g) Public hearings required.

Before deciding on any special use permit pursuant to the requirements set forth in this section, the board of commissioners shall provide for public notice and a public hearing thereon. No application for a special use permit shall be decided by the board of commissioners unless it has been submitted to the planning commission for public hearing and recommendation pursuant to the requirements of this section.

(h) Notice of public hearings.

Notice of public hearing on any proposed application for a special use permit shall be provided as is required in subsection 238-4(e) of this chapter and shall, in addition to the information required in subsection 238-4(e), indicate the special use requested for the subject property.

(i) Withdrawal of application.

An application for a special use permit that is filed prior to the deadline for filing such amendment may be withdrawn with full refund of fees prior to the application deadline upon a written request by the applicant. An application may be withdrawn upon a written request by the applicant prior to the submittal for publication of the required legal advertising in the legal organ of the county; however, there shall be no refund of application fees after the department has accepted an application.

(j) Action by the planning commission.

- (1) The secretary shall provide the members of the planning commission complete information on each proposed application for special use permit which the commission considers including a copy of the application and all supporting materials, all communications and other writings either in support of or in opposition to the application, and the written report and recommendation of the department applying the required criteria in subsection (m) and supplemental regulations of chapter 218, article III, where applicable, to each application.
- (2) After public notice as required in subsection (h) of this section, the planning commission, shall conduct a public hearing in a manner consistent with subsection 238-4(f) of this chapter. Prior to initiating a motion regarding its recommendation to the board of commissioners the planning commission shall review and consider each of the criteria contained in subsection (m) of this section, and the supplemental regulations contained in section 218, article III, where applicable to the use proposed use.
- (3) The planning commission recommendation on each application shall be based on a determination as to whether or not the applicant has met the criteria contained in subsection (m), the supplemental regulations contained in section 218, article III, where applicable to the use proposed use, and the requirements of the comprehensive plan and zoning district in which such use is proposed to be located.
- (4) The planning commission may recommend the imposition of conditions based upon the facts in a particular case in accordance with section 238-15
- (5) The planning commission may recommend approval of the special use permit application, approval of the application with conditions, approval of the special use permit for a lesser area, extent or intensity, or denial of the application. Failure to achieve a majority vote following at least three motions on such decision shall result in no recommendation to the board of commissioners on the matter.

(k) Action by the board of commissioners.

- (1) The board of commissioners, after conducting the public hearing with public notice required by this section, shall take one of the following actions:
 - a. Vote to approve the application.
 - b. Vote to approve the application with conditions.
 - c. Vote to approve the special use permit for a lesser area, extent or intensity.
 - d. Vote to deny the application.
 - e. Vote to defer the application to its next regular meeting or special called meeting.
 - f. Vote to refer the matter back to the planning commission for reconsideration at their next regularly scheduled meeting or special called meeting. If such referral includes a public hearing, the matter shall be re-advertised in accordance with subsections (e)(1), (e)(2), and (e)(3) of section 238-4
- (2) The decision of the board of commissioners on each application for special use permit shall be based on a discretionary determination as to whether or not the applicant has met the criteria contained in subsection (m) of this section, the use

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standards contained in chapter 218, article III where applicable to the use proposed, the consistency of the application with the comprehensive plan, the requirements of the zoning district in which such use is proposed to be located, and any additional conditions deemed necessary to ensure the compatibility of the conditional use with the surrounding properties.

- (3) The board of commissioners may impose conditions based upon the facts in a particular case in accordance with section 238-15

(l) Time limits of special use permits.

- (1) The board of commissioners shall specify limits, if any, of the duration of each such special use permit which is approved.
- (2) Subject to any limit in duration, the special use permit shall become an integral part of the zoning applied to the subject property and shall be extended to all subsequent owners and interpreted and continually enforced by the department in the same manner as any other provision of the UDO, subject to the limitations provided in subsections (o) and (q) of this section.

(m) Special use permit criteria to be applied.

The following criteria shall be applied by the department, the planning commission, and the board of commissioners in evaluating and deciding any application for a special use permit. No application for a special use permit shall be granted by the board of commissioners unless satisfactory provisions and arrangements have been made concerning each of the following criteria, all of which are applicable to each application:

- (1) Whether or not the proposed plan is consistent with all of the requirements of the zoning district in which the use is proposed to be located, including required parking, loading, setbacks and transitional buffers.
- (2) Compatibility of the proposed use with land uses on adjacent properties and other properties within the same zoning district, including the compatibility of the size, scale and massing of proposed buildings in relation to the size, scale and massing of adjacent and nearby lots and buildings.
- (3) Adequacy of the ingress and egress to the subject property, and to all proposed buildings, structures, and uses thereon, including the traffic impact of the proposed use on the capacity and safety of public streets providing access to the subject site.
- (4) Consistency with the county's wastewater treatment system, including the feasibility and impacts of serving the property with public wastewater treatment service and, if an alternative wastewater treatment method is proposed, whether such wastewater treatment method will have a detrimental impact on the environment.
- (5) Adequacy of other public facilities and services, including stormwater management, schools, parks, sidewalks, and utilities, to serve the proposed use.
- (6) Whether or not the proposed use will create adverse impacts upon any adjacent or nearby properties by reason of noise, smoke, odor, dust, or vibration, or by the character and volume of traffic generated by the proposed use.
- (7) Whether or not the proposed use will create adverse impacts upon any adjoining land use by reason of the manner of operation or the hours of operation of the proposed use.
- (8) Whether or not the proposed use will create adverse impacts upon any environmentally sensitive areas or natural resources.

(n) Development of an approved special use.

The issuance of a special use permit shall only constitute approval of the proposed use, and development of the use shall not be carried out until the applicant has secured all other permits and approvals required.

(o) Expiration of a special use permit.

Unless a building permit or other required approvals is secured within 12 months, and construction subsequently undertaken pursuant to such building permit, the special use permit shall expire automatically unless the permit is extended upon application to the board of commissioners in accordance with subsection (p) of this section.

(p) Time extension of a special use permit.

The time limitations imposed on special use permits by subsection (e)(l) and expiration date established pursuant to subsection (o) of this section may be extended by the board of commissioners not more than once, and not for more than 12 months, upon written request by the applicant and approval of the board of commissioners.

(q) Limitations on approvals for special use permits.

A special use permit shall expire automatically and cease to be of any force or effect if such use shall, for any reason, be discontinued for a period of 12 months.

(r) Modifications to a special use permit.

Changes to an approved special use permit, other than time extensions provided under subsection (p) of this section, shall be subject to the same application, review and approval process as a new application, including the payment of relevant fees.

(s) Appeal of a special use permit decision.

Any person, persons or entities jointly or severally aggrieved by any decision of the board of commissioners regarding a special use permit application may take an appeal to the superior court of the county. The appeal shall be limited to the proceedings and record of the board of commissioners. Any appeal must be filed within 30 days of the decision of the board of commissioners, and upon failure of such appeal, the decision of the board of commissioners shall be final.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006; Ord. No. 0-2012-01, §§ 14—16, 2-28-2012)