

Ordinance Number ORD-2015-11

## **AN ORDINANCE**

To revise various provisions of sections 3.50 and 8.197.01 of Appendix A – the Zoning Code Ordinance of the Code of the City of Douglasville to amend regulations for transmission towers; to repeal any conflicting ordinances; to provide an effective date; and other purposes.

BE IT ORDAINED by the Mayor and City Council of Douglasville, Georgia, and it is hereby ordained by the authority thereof as follows:

### **SECTION ONE**

Subsection 3.50.02.a. of Appendix A - the Zoning Code Ordinance of the Code of the City of Douglasville is hereby amended to read as follows:

#### **3.50.02. Permitted uses.**

a. Self-supporting communication towers. Upon receipt of an appropriate building permit, self-supporting communication towers may be located in the following zoning districts of the city:

(1) Light industrial (IL) and heavy industrial (IH) zoning districts as a use by right; provided however, such towers satisfy all of the conditions under "general requirements" and "shared use" of this section and do not exceed 150 feet (45.72 meters) in height;

(2) General commercial (CG), neighborhood commercial (CN), shopping center district (CSC), office-distribution (O-D), office-institutional (O-I), as a use by right; provided however, such towers satisfy all of the conditions under "general requirements" and "shared use" of this section and do not exceed the following height limitations:

(a) For a single user, no more than 70 feet (21.34 meters) in height;

(b) For two users, no more than 100 feet (30.48 meters) in height; and

(c) For three or more users, no more than 150 feet (45.72 meters) in height.

(3) General commercial (CG), neighborhood commercial (CN), shopping center district (CSC), office-distribution (O-D), office-institutional (O-I), light industrial (IL), heavy industrial (IH), design concept development (DCD) zoning districts with a height variance when such towers do exceed the tower heights permitted as in subparagraphs (1) and (2) above; provided however, such towers also satisfy all of the requirements under "general requirements" and "shared use" of this section.

(4) Central business (CBD), single-family detached residential (R-2), single family, duplex, and triplex residential (R-3), single-family, duplex, triplex and quadraplex residential (R-4), single-family attached apartment residential (R-6), single-family detached townhouse residential (R-6-T), zoning districts as a special use: provided however, such towers shall not exceed 60 feet (18.29 meters) in height and shall also satisfy all the requirements under "general requirements" of this section.

- (5) Guy towers shall not be permitted within the central business (CBD) zoning district.

## SECTION TWO

Subsection 3.05.02.d. of Appendix A - the Zoning Code Ordinance of the Code of the City of Douglasville is hereby enacted to read as follows:

d. Unified Tower Arrays. For any unified tower array, the height of the tallest tower within the array shall be considered the height of the array. Spacing of towers within the same array is not required. Measurements for separation distances to other towers and for purposes of setbacks shall be measured from the outer perimeter of the towers included in the array; for all purposes other than tower height and spacing of towers within an array, each tower within a unified tower array must comply with all requirements of this section.

## SECTION THREE

Subsections 3.50.03.g.(2), (3) and (5) of Appendix A - the Zoning Code Ordinance of the Code of the City of Douglasville are hereby amended to read as follows:

(2) For towers more than 150 feet (45.72 meters) tall, a buffer area not less than ten feet (3.05 meters) wide shall be provided at the property line, except that no vegetated buffer shall be required atop the ground system for any transmission tower.

(3) The buffer zone is to consist of materials of a variety which can be expected to grow to form a densely vegetated area at least five feet (1.52 meters) in height within two years of planting.

(5) Native vegetation on the site shall be preserved to the greatest practical extent. The applicant shall provide a site plan showing existing significant vegetation to be removed, and vegetation to be replanted to replace that lost, provided however, that no vegetation other than grass shall be required atop the ground system for any transmission tower.

## SECTION FOUR

Subsection 3.50.03. j. (6) of Appendix A - the Zoning Code Ordinance of the Code of the City of Douglasville is hereby amended to read as follows:

(6) No self-supporting communication tower shall be allowed within a 1,000-foot (304.80-meter) radius of an existing tower within a residential area; exceptionally, individual towers within a unified tower array may be closer than 1000 feet to other towers within the same array.

## SECTION FIVE

The first paragraph of subsection 3.50.03.j.(8) of Appendix A - the Zoning Code Ordinance of the Code of the City of Douglasville is hereby amended to read as follows:

(8) All self-supporting towers constructed after June 2, 1997 shall conform to the following minimum tower separation requirements:

## SECTION SIX

Subsection 3.50.05 of Appendix A - the Zoning Code Ordinance of the Code of the City of Douglasville is hereby amended to read as follows:

### 3.50.05. Removal; Intra-site Relocation.

a. Removal of antennae and towers. All towers and antennae shall be maintained in compliance with standards contained in applicable building and technical codes so as to ensure the structural integrity of such towers. If upon inspection by the building official such tower is determined not to comply with the code standards or to constitute a danger to persons or property, then upon notice being provided to the owner of the tower and the owner of the property if such owner is different, such owners shall have 30 days to bring such tower into compliance. In the event such tower or antenna is not brought into compliance within 30 days, the city may provide notice to the owners requiring the tower or antenna to be removed. The city may pursue all legal remedies available to it to insure that communication towers and antenna not in compliance with the code standards or which constitute a danger to persons or property are brought into compliance or removed. The city may seek to have the tower or antenna removed regardless of the owners' 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. Intra-site relocation. Any approved or legal non-conforming transmission tower may be relocated within the same site, so long as all requirements of this section, including but not limited to those for required setbacks, are met or compliance is achieved by means of variance. If the height of any such relocated tower is not increased, the tower shall not require new approval for height. In addition to a building permit and an electrical permit, all intra-site relocations shall require approval of the Zoning Official for compliance with the terms of this section; the applicant shall submit a survey of the proposed relocation with any request for intra-site relocation.

## SECTION SEVEN

Subsection 8.197.01.a. of Appendix A - the Zoning Code Ordinance of the Code of the City of Douglasville is hereby amended to read as follows:

a. Guy Tower or Guyed Tower: A self-supporting transmission tower that is supported, in whole or in part, by guy wires and ground anchors.

## SECTION EIGHT

Subsections 8.197.01.f. and g. of Appendix A - the Zoning Code Ordinance of the Code of the City of Douglasville are hereby enacted to read as follows:

f. Self-supporting tower: A transmission tower with its base located on the ground, as distinguished a rooftop tower.

g. Unified Tower Array: A group of two or more self-supporting towers located on a single lot and functioning as one broadcasting antenna.

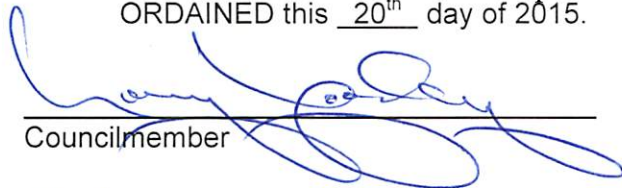
## SECTION NINE

This ordinance shall become effective on the date of its enactment.

SECTION TEN

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

ORDAINED this 20<sup>th</sup> day of April 2015.

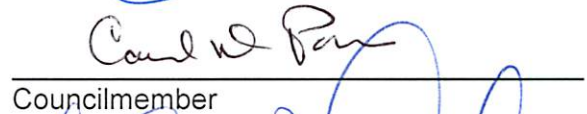
  
Councilmember

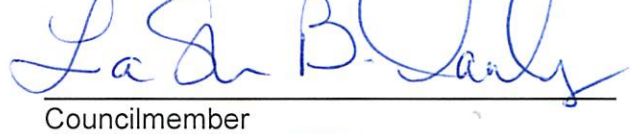
  
Councilmember

  
Councilmember

  
Councilmember

  
Councilmember


  
Councilmember

  
Councilmember

  
Mayor

Attest:

  
Deputy City Clerk

DELIVERED TO MAYOR April 22 / 2015 CITY CLERK   
RECEIVED FROM MAYOR Apr 23 / 2015 CITY CLERK 