

Special Administrative Permit

Sec. 27-4.2.57 - Telecommunications towers and antennas.

The following regulations shall apply to all telecommunications towers and antennas within DeKalb County:

(a) *Findings, purpose and intent.* DeKalb 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 are likely to substantially increase in number in the immediate 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 aesthetic appearance of the county. The county finds that there is a substantial need directly related to the public health, safety and welfare to comprehensively address those concerns through the adoption of regulations. The purpose and intent of the governing authority of DeKalb County in enacting this section are as follows:

- (1) Encourage the location of towers in nonresidential areas and minimize the total number of towers throughout the county;
- (2) Encourage the joint use of new and existing tower sites;
- (3) Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;
- (4) Minimize adverse visual and aesthetic effects of towers through careful design, siting, and vegetative screening;
- (5) Avoid potential damage to adjacent properties and personal injury from tower failure and falling ice and debris through engineering, careful siting of tower structures, and other requirements;
- (6) Ensure compliance with applicable federal statutes and regulations;
- (7) Lessen traffic impacts on surrounding residential areas;
- (8) Allow new towers in residential areas only if a comparable site is not available in a nonresidential area; and
- (9) Comply with all necessary and relevant requirements of the Telecommunications Act of 1996, as amended.

(b) *Compliance required.* 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 DeKalb County except in accordance with the provisions of this section. In addition, except as otherwise specifically provided herein, all towers and antennas shall also comply with all regulations applicable to the zoning district in which said tower or antenna is located and any permits authorizing said towers or antennas.

(c) *Regulations.* The following regulations shall apply to all telecommunication towers and antennae, including those permitted by special administrative permit within a zoning district and those permitted by special land use permit:

- (1) In addition to meeting all of the development standards required by the zoning district within which the tower or antenna is proposed to be located, all telecommunications towers or antennae shall be set back as follows:

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- a. Any tower or antenna located within any zoning district where permitted by special administrative permit shall be set back from all property lines which adjoin any other zoning district boundary in which telecommunications towers or antennae are also permitted by special administrative permit a distance of one-third of the combined height of the tower and antenna or one hundred (100) feet, whichever is greater, except that where any such adjoining property is used for residential use then said telecommunications tower or antenna shall be set back from any such off-site structure in residential use, including any accessory structure designed for regular human use, a distance of one-half (½) the combined height of the tower and antenna or two hundred (200) feet, whichever is greater;
 - b. Any tower or antenna located within any zoning district where permitted by special administrative permit which adjoins any residential district shall be set back from any property line of any such adjoining residential district a distance of one-half (½) the combined height of the tower and antenna, or two hundred (200) feet, whichever is greater; and
 - c. Any telecommunications tower or antenna which is approved by special land use permit by the board of commissioners to be located within any residential district shall provide setbacks as required by the board of commissioners in their grant of the special land use permit, but in no case shall the set back from any property line be less than two hundred (200) feet.
- (2) Telecommunications towers and antennas shall either maintain a galvanized steel finish or, subject to any applicable standards of the Federal Aviation Administration or Federal Communications Commission, be painted a neutral color, so as to reduce visual obtrusiveness. Said requirement shall not apply to an alternative tower structure.
 - (3) At a tower site, the design of the buildings and related structures shall, to the maximum extent possible, use materials, colors, textures, screening and landscaping that will blend the tower facilities to the natural setting and built environment.
 - (4) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment shall 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.
 - (5) Towers shall not be artificially lighted, unless required by the Federal Aviation Administration, Federal Communications Commission or other applicable authority. If lighting is required, such lighting shall be to the minimum applicable standards so as to minimize the disturbance to the surrounding views.
 - (6) Telecommunications towers and antennas shall be entirely enclosed by a security fence not less than six (6) feet in height. Towers shall be equipped with an appropriate anti-climbing device. This requirement shall not apply to alternative tower structures provided equivalent alternative security measures are installed.
 - (7) In addition to any other landscaping or buffer requirements that may apply, telecommunications towers and antennas shall be landscaped with plant material that effectively screens the tower site from adjacent uses. Existing tree growth and natural land forms on-site shall be preserved to the maximum extent possible. At a minimum, a landscaped strip ten (10) feet in width shall be provided around the perimeter of the site. Said requirement shall not apply to alternative tower structures.
 - (8) Telecommunications towers and antennas shall be constructed to the minimum height necessary to accomplish their required telecommunications purpose.
 - (9) The environmental effects of radio frequency emissions shall not serve as a basis to approve, deny or otherwise regulate a telecommunications tower or antenna to the extent said emissions comply with Federal Communications Commission regulations concerning said emissions.

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(10) All decisions by the county or its officials denying a request to place, construct or modify a telecommunications tower or antenna shall be in writing and supported by a written record documenting the reasons for the denial and the evidence in support thereof. All such decisions shall be made within a reasonable time from the date a completed application is duly filed with the appropriate department. Applications in all cases where the telecommunications tower or antenna is a use which may be authorized by special administrative permit shall be made to and decided by the director of public works pursuant to all standards and requirements contained within this section, in Article V of this chapter, and any other applicable section of this chapter. Applications in all cases where the telecommunications tower or antenna is a use which may be authorized by special land use permit shall be made to and decided by the board of commissioners pursuant to all standards and requirements contained within this section, in Article V of this chapter, and any other applicable requirement of this chapter.

(11) Each applicant requesting a special administrative permit for a telecommunications tower or antenna shall provide to the director of public works as a part of the application for special administrative permit and each applicant requesting a special land use permit for a telecommunications tower or antenna shall provide to the director of planning as a part of the application for special land use permit an inventory of its existing towers that are either within the jurisdiction of the governing authority or within one-quarter mile of the boundaries thereof, including information regarding the location, height and design of each tower. The director of public works or the director of planning, as the case may be, may share such information with other applicants applying for special administrative permits or special land use permits under the requirements of this chapter or with other organizations seeking to locate a telecommunications tower or antenna within the jurisdiction of DeKalb County, provided, however, that the director of public works and the director of planning are not, by sharing such information, in any way representing or warranting that such sites are available or suitable. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the director of public works in the case of application for a special administrative permit or the board of commissioners in the case of application for a special land use permit that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence shall be submitted at the time of application for special administrative permit or special land use permit, as the case may be, which demonstrates that no existing tower or structure can accommodate the applicant's proposed antenna and may consist of the following:

- a. No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements.
- b. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
- c. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
- d. 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.
- e. 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.
- f. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

(12) The placement of additional buildings or other supporting equipment necessarily required in connection with an otherwise authorized telecommunication tower or antenna is specifically authorized.

(13) Any telecommunications antenna or tower that is not operated for a continuous period of 6 months shall be considered abandoned, and the owner of such antenna or tower shall remove

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same within ninety (90) days of receipt of notice from the governing authority notifying the owner of such abandonment.

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I have read the above ordinance and requirements and affirm that the proposed

_____ located at _____
(Cell Tower/Antenna/Equipment) (Location Address)

will comply with all requirements of this ordinance.

Name (printed): _____

Company/Contractor: _____

Address: _____

Telephone #: _____

Name of Property Owner: _____

Address: _____

Telephone #: _____

District _____ Land Lot _____ Block _____ Parcel _____ Zoning District _____

Building Permit Application#: _____

Height of Monopole/Equipment: _____

Approved/Denied: _____ Date: _____
Zoning Officer/Zoning Plans Reviewer