

ATTACHMENT A

AN ORDINANCE TO AMEND PROVISIONS OF THE UNIFIED DEVELOPMENT ORDINANCE REGULATING BROADCAST ANTENNAE

WHEREAS, the Durham City Council wishes to amend certain provisions regarding broadcast antennae in the Unified Development Ordinance to better promote the community’s health, safety, and welfare;

NOW, THEREFORE, be it ordained that Article 5, Use Regulations, and Article 16, Definitions, are amended to make the following changes:

SECTION 1

Modify Article 5, Use Regulations, Section 5.1, Use Table, paragraph 5.1.2, Use Table, as set forth in the underlining below.

Sec. 5.1 Use Table

[Paragraphs 5.1.1 is omitted.]

5.1.2 Use Table

| | | RESIDENTIAL | | | | | NONRESIDENTIAL | | | | | PLANNED | | | DESIGN | | | | | | | | | | | | | | | |
|-------------------------|--|---------------------|-----|-----|---|-----|----------------|---|---|---|---|---------|---|------------|------------|------------|------|------|------|--------|-----|----|----|----|----|------|------|------------|--------|--------|
| Use Category | Specific Use | R | R | R | R | R | R | C | O | C | S | I | I | P | U | C | I | M | D | Notes: | | | | | | | | | | |
| | | R | S | S-M | U | U-M | C | N | O | I | C | G | S | R | P | I | L | I | P | D | R | U | C | C | I | P | M | U | D | |
| RESIDENTIAL USES | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Utilities | Major utilities | L/m | L/m | | | | | | | | | | L | L | L | | | | | | | | | | | ‡L | | m | 5.3.3L | |
| | Minor utilities | L | L | L | L | L | L | L | L | L | L | L | L | L | L | ‡L | ‡L | ‡L | ‡L | ‡L | ‡L | ‡L | ‡L | ‡L | ‡L | ‡L | ‡L | ‡L | P | 5.3.3L |
| | TV/HDTV/AM/FM Broadcast Antennae | <u>L/m</u> | | | | | | | | | | | | <u>L/m</u> | <u>L/m</u> | <u>L/m</u> | | | | | | | | | | ‡L/m | | <u>L/m</u> | 5.3.3K | |
| | Wireless Communication Facility, except as Listed Below | L/M ¹ | L | L | L | L | L | L | L | L | L | L | L | L | L | ‡L | ‡L | ‡L | ‡L | ‡L | ‡L | ‡L | ‡L | ‡L | ‡L | ‡L | ‡L | ‡L | L | 5.3.3M |
| | Wireless Communication Facility, Freestanding Nonconcealed | L/M ¹ /m | L/m | | | | | | | | | | | L/m | L/m | L/m | ‡L/m | ‡L/m | ‡L/M | ‡L/m | L/m | | | | | ‡L/m | ‡L/m | L/m | 5.3.3M | |

¹If located within 300 feet of a designated North Carolina Scenic Byway.

SECTION 2

Modify Article 5, Use Regulations, Section 5.3, Limited Use Standards, paragraph 5.3.3, Public and Civic Use Standards, paragraph K, TV/HDTV/AM/FM Broadcast Antennae, as set forth in the strikeouts and underlining below.

Sec. 5.3 Limited Use Standards

[Paragraphs 5.3.1, 5.3.2 and 5.3.4 through 5.3.6 are omitted.]

5.3.3 Public and Civic Use Standards

[Paragraphs A through J, L and M are omitted.]

K. TV/HDTV/AM/FM Broadcast Antennae

Broadcast antenna-supporting structures and/or towers, including replacements, which contain antennae/towers that transmit signals for radio and television communications shall be permitted in accordance with the use table in Sec. 5.1, Use Table. ~~They are subject to the requirements of Sec. 3.7, Site Plan Review, Sec. 3.9, Special Use Permit, and subject to~~ the following additional requirements:

1. Any antenna-supporting structure, equipment enclosures and ancillary structures shall meet the setback requirements of the underlying zoning district plus an additional six inches for every one foot of antenna support structure height.
2. The entire antenna-supporting structure or tower and all appurtenances shall be designed pursuant to the wind speed design requirements of ASCE 7-95, including any subsequent modification to those specifications.
3. Any facility shall be illuminated only in accordance with any applicable FAA requirements to provide aircraft obstruction lighting, ~~where required~~. Any such lighting required by the FAA must shall not exceed the minimum FAA requirements and shall incorporate the most unobtrusive design allowed (e.g., white flashing lights are prohibited where red lights and painting are allowed). ~~be of the minimum intensity and number of flashes per minute (i.e. the longest duration between flashes) allowable by the FAA. No strobes or other lighting shall be permitted unless required by the FAA.~~
4. A landscaped buffer shall surround the base of the broadcast antenna equipment compound. Existing trees and shrubs on the site should be preserved and may be used in lieu of required landscaping where approved by the Planning Director, or designee. Grading shall be minimized and limited only to the area necessary for the new broadcast antenna.
 - a. If the proposed broadcast antenna is the principal use of the property then landscaping per Article 9, Landscaping and Buffering, shall be applicable. Additionally a buffer equivalent to that required for an Industrial use adjoining a Residential use shall be provided around the broadcast antenna equipment compound in the RR district; and a buffer equivalent to that required for a Light Industrial use adjoining a Residential use around the broadcast antenna equipment compound in all other districts.
 - b. If the proposed broadcast antenna is to be located in front of an existing structure on the same zone lot, a street buffer shall also be required.
 - c. On sites in residential districts adjoining public rights-of-way an opaque fence consistent with the requirements of Section 9.9 shall surround the broadcast antenna equipment compound.
5. The only signage that shall be permitted upon an antenna-supporting structure/tower, equipment enclosures, or fence (if applicable) shall be informational, and for the purpose of identifying the antenna-supporting structure, (such as ASR registration number) as well as the party responsible for the operation and maintenance of the facility, its current address and telephone number, security or safety signs, and property manager signs (if applicable).

6. New antenna-supporting structures/tower shall be configured and located in a manner that minimizes adverse effects including visual impacts on adjacent properties within 300 feet or the proposed height of the tower, whichever is greater, of the property under consideration. The applicant shall demonstrate with specific information that alternate locations including existing towers and buildings, configurations, and facility types, mass and scale, height, painting, lighting, and materials have been examined and shall justify the proposed alternatives in terms of effects on properties within 300 feet or the proposed height of the tower, whichever is greater, of the property under consideration. ~~indicate the impact of these options in relation to adjoining properties with regard to mass and scale, height, materials and color, and illumination.~~

SECTION 3

Modify Article 16, Definitions, Section 16.3, Defined Terms [Broadcast Antennae, TV/HDTV/AM/FM Broadcast Facility], as set forth in the underlining below.

Sec. 16.3 Defined Terms

Broadcast Antennae, TV/HDTV/AM/FM Broadcast Facility: Broadcast antenna-supporting structures and/or towers, including replacements, which contain antennae/towers that transmit signals for television and radio communications.

SECTION 4

That the Unified Development Ordinance shall be renumbered as necessary to accommodate these changes and clarifications.

SECTION 5

That this amendment of the Unified Development Ordinance shall become effective upon adoption.