



Proposed Wireless Ordinance

LDA-2009-08-01

Public Hearing
January 5, 2010



Wireless Telecommunications

1. 10/06/09 TC set Public Hearing for Wireless for November 4, 2009
2. 6/11/09 Wireless Committee submitted proposed ordinance to TC
3. 2/12/08 PB redirected wireless committee new Statement-of-Work
4. 5/21/07 PB created wireless committee at request of TC
5. 5/1/07 Council did not approve application
6. 5/1/07 Council asked Planning Board to take on the process of creating a Wireless Plan
7. 4/16/07 Planning Board referred a permit application for a temporary cell tower to the Council with a recommendation to approve
8. 12/05/00 Telecommunications Ordinance adopted which permits telecommunications facilities on Dare County Water Tower or in the Commercial Zone



What is the need?

1. Cellular phones & personal wireless services have become necessities today
2. Cellular reception weak &/or unavailable parts of town
3. Peak season volume exceeds infrastructure capacity
 - a. No signal
 - b. Dropped calls
4. Current ordinance limits new towers & new antennas to sites that will not improve coverage or capacity
 - a. Top of water tower
 - b. Commercial Zone
5. Current ordinance needs to be amended to allow infrastructure upgrades to reduce/eliminate the “hole”



Southern Shores Signal Hole





Objectives: Proposed Ordinance

1. Encourage *just enough investment* to reduce or eliminate “the hole” with the least negative impact
2. Prevent unnecessary proliferation. “Just enough” means 1-2 tall and/or 3-5 short towers
3. Comply with Federal & State statutes regarding wireless infrastructure build-out
4. Ensure that all wireless infrastructure is:
 - a. safe for residents
 - b. enables access to wireless signals and services
 - c. respectful of aesthetic character of Southern Shores
5. Ensure level playing field for ALL stake-holders



What Can TOSS Regulate?

1. Location
2. Height
3. Permitted Structures
4. General Aesthetics
5. Setbacks
6. Lighting
7. Fencing
8. Signage
9. Application Documentation
10. PB Review Process



Current vs. Proposed Ordinance

	CURRENT ORDINANCE	PROPOSED ORDINANCE
Location	<ul style="list-style-type: none"> Dare County water tower C zone 	<ul style="list-style-type: none"> Same RS1, R1, G&I, C zones conditional accessory use to a permitted primary use other than a dwelling unit
Permitted Structures	<ul style="list-style-type: none"> Only monopole support towers No guyed or lattice towers Accessory equipment/buildings 	<ul style="list-style-type: none"> Same Stealth monopoles (pine tree, flag pole) Stealth other structures (in a steeple)
Height	<ul style="list-style-type: none"> 150' (2 arrays) 200' (3 arrays) 	<ul style="list-style-type: none"> 70' short (1 array, 1 emergency antenna) 195' tall (3 arrays, 1 emergency antenna)
Setbacks	<ul style="list-style-type: none"> 1/3 tower height (fall zone) 50' for accessory buildings 	<ul style="list-style-type: none"> 100% tower height (assumed fall zone) or 1/3 tower height if NC PE certifies fall zone is equal or less than setback requested & structure is designed to collapse within setback requested provided that: <ul style="list-style-type: none"> a. no dwelling unit is or may be constructed within this fall zone OR b. all property owners within fall zone have agreed to reduced setbacks Council may waive or modify setback for accessory buildings if suitable screening



Current vs. Proposed Ordinance

	CURRENT ORDINANCE	PROPOSED ORDINANCE
General Aesthetics	<ul style="list-style-type: none"> • Minimize visual obtrusiveness • Color, finish blends with surroundings 	<ul style="list-style-type: none"> • Same • Same • No unenclosed or unscreened outdoor storage of accessory equipment • Electric & telephone lines underground from point of existing service
Lighting	<ul style="list-style-type: none"> • Only if required by FAA 	<ul style="list-style-type: none"> • Same • Comply TOSS lighting ordinance
Fencing	<ul style="list-style-type: none"> • Enclosed by 6' to 10' chain link fence • 20' wide vegetation buffer 	<ul style="list-style-type: none"> • Same • Council may waive or modify buffer width with suitable screening
Signage	<ul style="list-style-type: none"> • No commercial or non-commercial messages • Owner & emergency contacts only permissible information 	<ul style="list-style-type: none"> • Same • Same • State or Federal signage requirements



Current vs. Proposed Ordinance

	CURRENT ORDINANCE	PROPOSED ORDINANCE
Application Documentation	<ul style="list-style-type: none"> • Proof co-location feasible/infeasible • Site plan & supporting drawings • Comply with FAA lighting • Comply NC Building Code standards • Height not greater than needed • Statement of number of new co-location sites that will made available • Towers / antennas rated 150 mph • Lease agreement for land • General Liability \$1million • Comply EPA Act of 1969 • Memo understanding remove facilities not operated for 180 days in a 12 month period (abandoned facilities) 	<ul style="list-style-type: none"> • Same • Same • Same • Comply FCC standards (emissions) • Meet/exceed industry standards (NC Bldg Code, ANSI, TIA & EIA (222-G)) • Same • Same • Towers / antennas rated 135mph • Same • General Liability \$5million • Same • Same
PB Review Process	<ul style="list-style-type: none"> • The use is a public necessity • Use will not endanger public health, safety or welfare • Required conditions & specifications have been met • Value adjacent property not reduced • Location & character in harmony with area 	<ul style="list-style-type: none"> • Deleted • Same • Same • Deleted • Same