



Town of Southern Shores

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November 14, 2013

Lisa M. Murphy
999 Waterside Dr., Suite 2100
Norfolk, VA 23510

Re: CUP-13-01 Approval

Dear Ms. Murphy:

This letter serves as official notification that the Southern Shores Town Council unanimously approved (5-0) the Conditional Use Permit for New Cingular Wireless PCS, LLC d/b/a AT&T to construct a new Wireless Telecommunications Site located at 148 A Ocean Boulevard (Dare County parcel number 986708785800). In its review and consideration, the Town Council unanimously made the following findings:

- a. The applicant has met the requirements of the applicable provisions of the Town Chapter pertaining to Zoning, Subdivision Chapter, and all other applicable Ordinances.
- b. That the use as proposed will conform with the Town's Land Use Plan, and will be compatible with the area in which it is to be located, if developed in accordance with the conditions specified in the Chapter and additionally required by the Town Council as authorized by the Chapter.
- c. That the use will not materially endanger the public health and safety if located where proposed and developed according to the plan submitted.
- d. That the use as proposed will not overburden the Town Volunteer Fire Department fire-fighting capabilities and the County water supply capacity to the Town, as said facilities and capabilities will exist on the completion date of the conditional use for which the application is made.

The Conditional Use Permit authorizes the applicant to construct a new Wireless Telecommunications Site on the subject property following approval of a Building Permit and Zoning Permit. The following conditions were approved as a part of the permit and shall remain in effect:

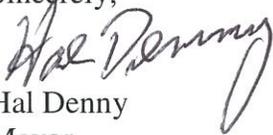
1. The Conditional Use Permit shall expire if the improvements permitted are not completely constructed within 24 months of the date of the approval of a Building Permit.
2. The tower shall provide space for at least three providers plus space for emergency communication antennas used by the Town Police Department and Southern Shores Volunteer Fire Department when needed.
3. Town Council reduces the setback requirement to one-third of the height of the tower.
4. Electrical and telephone lines serving the Wireless Telecommunications Site shall be installed underground from the point of existing service.
5. Sound emission devices, such as alarm bells, buzzers, and the like, are not to be used.
6. Maintain landscaping requirements in accordance with Section 36-175, (c), (2), (i), (2).
7. With the exception of flag pole lighting, all lighting at the Wireless Telecommunications Site shall be shielded and shall comply with the provisions for outdoor lighting contained in Section 36-166.
8. Any proposed signage to be installed at the Wireless Telecommunications Site shall be in accordance with Section 36-175, (c), (2), (k). Any future signage on the CMU wall must be in accordance with the Town's sign ordinance.
9. The Wireless Telecommunications Site shall be developed in accordance with the Town's Flood Damage Prevention Ordinance.
10. The Wireless Telecommunications Site shall be developed in accordance with the Town's Lot Disturbance Ordinance.
11. An annual renewal permit must be obtained within 365 days of the issuance of the certificate of occupancy related to the Building Permit. Annual renewal permits shall then be required within 365 days from the previously issued annual renewal permit.
12. If the Wireless Telecommunications Site is not operated for 180 continuous days in a 12-month period, it shall be considered abandoned and the facility owner

shall be responsible for the removal of all structures and equipment on the site within ninety (90) days of receipt of such notification by the Town.

13. The applicant must strictly abide by all other requirements for the Town Code and must also comply with all other local, State, and Federal requirements.
14. The Conditional Use Permit shall expire if a Building Permit is not issued within 12 months of the Town Council's approval of the Conditional Use Permit (November 6, 2014).

Should you have any questions or concerns, feel free to contact Wes Haskett, Town Planner at (252) 261-2394 or whaskett@southernshores-nc.gov.

Sincerely,



Hal Denny

Mayor

Town of Southern Shores

Cc: Peter Rascoe, Town Manager
Wes Haskett, Town Planner
Ben Gallop, Town Attorney