



Town of Southern Shores

"A Town of Volunteers"

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AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE TOWN OF SOUTHERN SHORES

BE IT ORDAINED by the Town Council of the Town of Southern Shores, North Carolina, that the Zoning Ordinance of the Town of Southern Shores be amended as follows:

PART I. Article III. Interpretation and Definition of Terms, Section 3.02 Definition of Specific Terms and Words is amended by adding the following definitions:

TELECOMMUNICATIONS ACCESSORY EQUIPMENT STRUCTURE: A building or cabinet-like structure located adjacent to, or in the immediate vicinity of a wireless telecommunications tower or antenna to house equipment incidental to the receiving or transmitting of wireless broadcasts, cellular telephone calls, voice messaging and paging services.

CO-LOCATION OF TELECOMMUNICATION ANTENNAS: The siting of two or more providers' wireless Communication antennas on the same telecommunication tower.

GEOGRAPHIC ANTENNA COVERAGE AREA: The general vicinity within which an antenna serves the transmission requirements of a cellular or other broadcasting network.

TELECOMMUNICATION ANTENNA: A structure intended to radiate and/or receive a source of non-ionizing electromagnetic radiation (NIER) and accessory equipment related to broadcast services, private radio services, pagers, beepers, data and common carriers (as regulated by the FCC) including AM, FM, two-way radio, fixed point microwave, commercial satellite, cellular and PCS communication systems.

TELECOMMUNICATION TOWER: A freestanding structure intended to support one or more telecommunication antennas.

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TOWER, MONOPOLE: A slender self-supporting tower used to support telecommunications equipment.

PART II. ARTICLE VII. Schedule of District Regulations, Section 7.10, C-General Commercial District, C. Conditional Uses is amended by adding the following section:

6. Telecommunication Towers, subject to other requirements of the Southern Shores Zoning Ordinance and provided the following conditions are met:

a. Use Guidelines and Dimensional Requirements

1. Location

- a). Co-location of telecommunication antennas shall be required, whenever possible. For towers up to one hundred fifty (150) feet in height, the structure and fenced compound shall be designed to accommodate at least two providers; higher towers, up to two hundred (200) feet, at least three providers.
- b). An existing use or structure on the same lot shall not preclude the siting of an antenna or tower on that lot. To establish compliance with setback and other zoning requirements, the dimensions of the entire lot shall determine if an antenna or tower may be located there.
- c). The minimum distance between wireless communication facilities shall be at least one half-mile radius from any other wireless communication facility in the geographic antenna coverage area.

2. Height

- a). Maximum tower height, including antenna and other attachments, shall not exceed two hundred (200) feet, measured vertically from the pre-disturbance ground level at the center of the tower.
- b). In no case shall a wireless communication facility, tower or antenna exceed the minimum height necessary to accomplish the purpose it is proposed to serve.

3. Permitted Structures

Monopoles shall be the only type of telecommunication towers permitted in Southern Shores. Neither guyed towers nor lattice type towers shall be permitted.

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4. Setbacks

- a). Telecommunication towers shall be set back from each bordering property line or right of way a minimum distance equal to one-third (1/3) the height of the tower and tower mounted equipment measured vertically from ground level at the center of the tower.
- b). Accessory or component buildings shall be set back a minimum of fifty (50) feet from all property lines and rights of way.

5. General Aesthetics

- a). Towers and/or antennas shall be constructed and maintained to minimize visual obtrusiveness in color or finish.
- b). Support buildings and related structures at tower sites shall be of such design, materials and colors to blend with surrounding structures.
- c). Outdoor storage of equipment or related items shall be prohibited on tower sites.
- d). Electrical and telephone lines extended to serve a wireless communication facility shall be installed underground.
- e). Sound emissions, such as alarm bells, buzzers and the like, shall not be permitted.

6. Fencing

All towers and their accessory equipment structures for any wireless communication facility shall be enclosed by chain link fencing, not less than six (6) feet or more than ten (10) feet in height. Such fences may be equipped with anti-climbing devices. The gate into the fenced area shall be located so that it is not easily visible from a street or adjacent property.

7. Screening/Landscaping (Buffer)

- a). The base of a telecommunications tower, to a minimum height of ten feet above average grade at the tower base, shall not be visible from any thoroughfare.

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b). Screening is required along all exterior sides of the fence described above excluding the gate. Screening shall be a minimum width of twenty (20) feet with two (2) rows of planting material placed ten (10) feet on center, that are a minimum of five (5) feet in height when planted, and that are expected to reach a height of eight (8) feet within three (3) years. Suitable plant types shall be those recommended by the U.S. Department of Agriculture to achieve a mature growth height of eight (8) to ten (10) feet in the coastal area.

8. Lighting

a). Telecommunication towers shall be lighted only if specifically required by the FAA, in which case, FAA minimum lighting requirements shall be applied.

b). When lighting is required by FAA, strobe lights shall be avoided unless specified by FAA. When strobe lights are required on telecommunication towers, a dual lighting system of white strobes for daytime lighting and a red flashing light atop the tower for nighttime lighting shall be used.

c). Except for lighting described in (b) above, all lighting at a wireless telecommunications facility shall be shielded.

9. Signage

Wireless communication facilities shall not display signage, logos symbols or any messages of a commercial or non-commercial nature on towers, support structures or the fence securing the tower. A sign, not visible from a public right-of-way or adjacent residences, shall be posted on the fence gate identifying the current owner of the tower, emergency contact person or agency, and applicable contact numbers.

b. Application Requirements

The following shall be submitted at the time of application.

a). Documentation prepared and sealed by a professional engineer registered in North Carolina stating that it is technically or practically impossible to provide a reasonable level of service by co-locating the tower or antenna on an existing structure.

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Technical documentation shall include a map of the search area, all potential co-location sites stating why each is unsuitable, and the total number of towers the service provider currently owns and plans to construct within the geographic antenna coverage area of the Town within the next two years.

The applicant must submit, in writing, a declaration from owners of all technically feasible co-location sites that they are unwilling to negotiate space or evidence that the applicant has tried, in good faith to negotiate reasonable terms for co-location and failed.

- b). A scaled site plan, scaled elevation view, and supporting drawings, calculations and other documentation, prepared and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements including topography, tower height requirements, setbacks, access driveways or easements, parking, fencing, landscaping, adjacent uses and any other information necessary to assess compliance with this ordinance and compatibility with surrounding uses.
- c). Documentation that FCC's minimum lighting standards have been applied.
- d). Documentation that the proposed tower, antennas and equipment comply with all applicable FCC regulations. To protect the public from unnecessary exposure to electromagnetic radiation, documentation shall be provided that power density levels do not exceed those permitted by FCC.
- e). Documentation, prepared and sealed by a professional engineer registered in North Carolina, that the proposed tower and attached antennas do not exceed the minimum height necessary to accomplish the purpose for which they are constructed.
- f). A notarized statement by the owner or CEO of the owner specifying the number of co-location sites the owner will make available on the proposed tower and a declaration that such sites will be negotiated in good faith at reasonable terms to other service providers.
- g). Documentation, prepared and sealed by a professional engineer registered in North Carolina, to demonstrate that the telecommunication tower has sufficient structural integrity for its intended uses. All towers and attached antennas shall be capable of withstanding winds of at least 150 miles per hour.

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- h). If the proposed tower or antenna is to be located on lands owned by a party other than the applicant or the Town, a copy of the lease agreement with the property owner.
- i). Documentation consisting of a certificate of insurance verifying a general liability coverage of at least \$1,000,000.00 at no cost to the Town of Southern Shores. The certificate shall contain a requirement that the insurance company shall notify the Town thirty (30) days prior to the cancellation, modification, or failure to renew the insurance coverage required.
- j). A copy of the approved National Environmental Policy Act of 1969 (NEPA) compliance report for all towers, antennas, accessory structures or equipment proposed for the site.
- k). A memo of understanding regarding removal of abandoned antennas and towers. Any tower or antenna that is not operated for 180 continuous days in a 12-month period shall be considered abandoned. The owner of such antenna (s) or tower shall be responsible for its removal within ninety (90) days of receipt of such notification by the Town. Failure to remove abandoned equipment will result in its removal by the Town at the owner's expense.

c. Review Process

The Planning Board will use the following criteria in its review of an application for any wireless telecommunication antenna, tower or accessory structure.

- a). The use is a public necessity.
- b). The facility will not materially endanger the public health or safety if located where proposed and developed according to the plan submitted.
- c). The required conditions, specifications, and actions described in this ordinance have been met.
- d). The value of adjoining property will not be reduced.
- e). The location and character of the facility will be in harmony with the area in which it is to be located.

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PART III. All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed. Should a court of competent jurisdiction declare this Ordinance or any part thereof to be invalid, such decision shall not affect the remaining provisions of this Ordinance nor the Zoning Ordinance of the Town of Southern Shores, North Carolina which shall remain in full force and effect.

PART IV. This ordinance shall be in full force and effect from and after the 5th day of December, 2000.

Paul Sutherland
Mayor

ATTEST:

Cami Gordon
Town Clerk

Date: 12/5/00

Vote: 5 Ayes 0 Nays

Approved as to form:

Thomas White
Town Attorney