

..TITLE

A public hearing request by the Board of Commissioners on the proposed new Wireless Telecommunications Facilities Ordinance.

..ABSTRACT

Action Requested:

A public hearing request by the Board of Commissioners on the proposed new Wireless Telecommunications Facilities Ordinance.

Introduction & Background:

At the May 6th Commissioners meeting, staff brought forward a discussion about updating the existing Communication Tower Ordinance in light of legislative changes affecting telecommunication tower review procedures. In addition, staff has identified some areas within the ordinance that could be refined to promote a more streamlined review of new cell tower construction and modification of existing towers. The Commissioners discussed the ordinance rewrite and directed staff to explore other existing ordinances as a template for updating or creating a new Communications Ordinance for Chatham County.

Upon reviewing other telecommunication ordinances, staff decided to use the Wireless Telecommunications Model Ordinance from the North Carolina League of Municipalities (NCLM) as a template for developing the new ordinance. This decision was based upon the fact that the model ordinance incorporated updated telecommunications legislation and was developed with industry representatives with the intention to provide a basic template for consideration of a number of issues related to the siting of wireless telecommunications facilities. The model ordinance is written from the perspective of streamlining land use approvals to aid in the deployment of mobile broadband infrastructure to bring wireless services to the community (source: www.nclm.org). Staff's goal was to balance the intent of the model ordinance with the County's vision for preserving rural character and expanding county residents' ability to access new technology.

The Board held a preliminary discussion of the draft ordinance at the September 16th meeting and decided unanimously to set a public hearing for October 21st. During the discussion, the Board questioned the extent of and history of the "Major Wildlife Areas" within the ordinance. Included as an attachment to the report is a county map of the Natural Heritage Areas, as identified by the Natural Heritage Program. The North Carolina Natural Heritage Program is part of the Office of Conservation, Planning, and Community Affairs within the N.C. Department of Environment and Natural Resources. The program serves as an information clearinghouse in support of conservation of the rarest and most outstanding elements of natural diversity in the state. These areas include rare plants, animals, and natural communities which are significant enough that the program suggests they merit special consideration as land-use decisions are made (<http://www.ncnhp.org/web/nhp>). The mission of the Natural Heritage Program is to provide science and incentives to inform conservation decisions and support

conservation of significant natural areas in our state. Chatham County's original Inventory of Natural Heritage was completed in 1992.

Discussion & Analysis:

Below is a summary outlining the key points of distinction between the existing ordinance and the new draft ordinance:

- The new ordinance excludes the annual search ring process, allowing wireless facilities to site anywhere allowable within the county at any time during the year.
- The heights of wireless facilities would be governed by location in proximity to residential districts and by more stringent setback requirements based on tower height, to allow for taller towers in more rural areas. The "areas" which regulated heights within the county in the old ordinance has been excluded.
- A wider array of administrative approvals for towers is included in the draft ordinance. Towers now eligible for administrative approval are outlined in Section 2-1 of the draft (Attachment 1).
- The draft ordinance requires a line of sight diagram for visual representation of a proposed tower subject to conditional use permit approval.

Aspects that were retained from the existing ordinance into the draft ordinance include landscaping requirements, the prohibition of placing wireless facilities within "Major Wildlife Areas", as well as enforcement and remedies. Please see Attachment 2 for a copy of the existing Communication Towers Ordinance.

Staff has also included a few proposed changes within the zoning ordinance to correctly reference the draft wireless facilities ordinance. The proposed amendments, outlined in Attachment 3, are summarized below:

- Amendment of Section 10.3 Zoning Table to Permitted Uses, which breaks out the various types of wireless facilities permitted within the zoned portions of the county.
- Amendment to Section 12.6 Applicability, which excludes wireless facilities from the zoning ordinance landscaping requirements and references the draft wireless facilities ordinance landscaping requirements which are outlined in Section 2-4 (11).
- Amendment to 7.2 Definitions, which adds definitions for Wireless Facilities and Concealed Wireless Facilities.

Recommendation:

Receive public comment and refer to Planning Board.