

AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO CONFORM
THE PROVISIONS DEALING WITH CELL TOWERS TO RECENT CHANGES IN FEDERAL
AND STATE LEGISLATION

DRAFT 10-09-2013

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. The existing text of Section 15-176 (Towers and antennas) shall become Subsection 15-176(a), modified as provided in Section 2 of this ordinance.

Section 2. Subsection 15-176(a)(15), which provides as follows, is repealed:

~~(15) The proposed addition of another user's antenna to a pre-existing tower, or any substantial change in the previously approved tower, shall constitute a minor modification as defined in Section 15-64.~~

Section 3. Section 15-176 is amended by adding a new Subsection (b) as follows:

(b) A request for a modification of an existing cell tower or base station that involves the collocation of new transmission equipment or the removal or replacement of transmission equipment but that does not substantially change the physical dimensions of the cell tower or base station shall be approved by the administrator as an insignificant deviation (see Section 15-64). For purposes of this section, a substantial change in physical dimensions would occur if:

(1) The proposed antenna would increase the existing height of the tower by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater (may exceed these size limits if necessary to avoid interference with existing antennas);

(2) The proposed antenna would involve the installation of more than the standard number of new equipment cabinets for the technology involved, not to exceed four, or more than one new equipment shelter;

(3) The proposed antenna would involve adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater (may exceed

these size limits if necessary to shelter the antenna from inclement weather or connect the antenna to the tower via cable; OR

(4) The proposed antenna would involve excavation outside the current tower site, defined as the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site.

(5) The proposed change would enlarge the square footage of the existing equipment compound by more than 2,500 square feet.

Section 4. Section 15-176 is amended by adding a new subsection (c) as follows:

(c) The Town shall have 45 days within which to determine the completeness of an application for a collocation or eligible facilities request, and then 45 days from the date that the application is determined to be complete within which to make its decision. An application is deemed to be complete 45 days after it is submitted unless the Town determines, and notifies the applicant in writing within 45 days of submission, that (and how) the application is deficient. The Town shall have 150 days within which to decide all other types of applications relating to cell towers.

Section 5. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 6. This ordinance shall become effective upon adoption and shall apply to any pending application regarding a cell tower as well as any application submitted after the effective date.