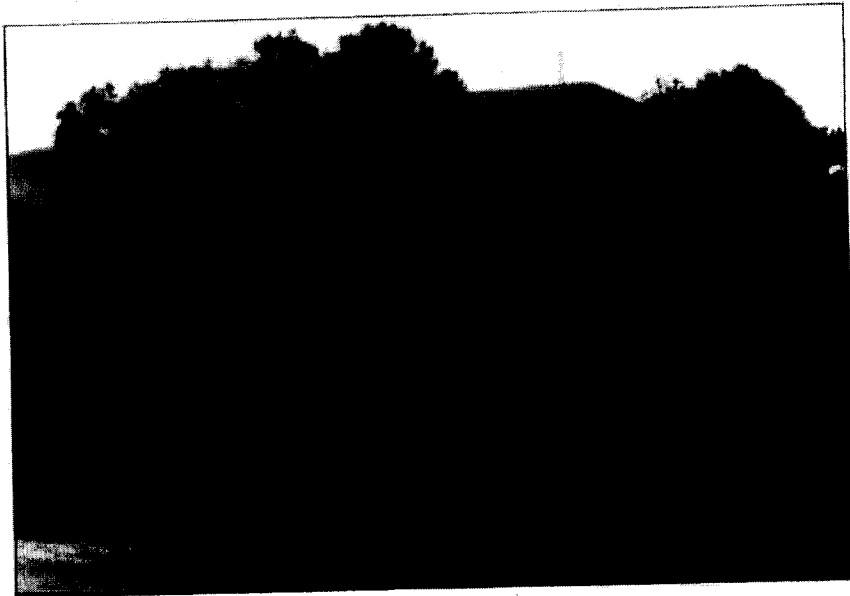


Administrative Policy:

Telecommunication Towers



Accepted by Chapel Hill Town Council
November 8, 1999

Administrative Policy:

Telecommunication Towers

This policy describes the manner in which administrative determinations are made regarding whether or not a proposed telecommunication facility can be considered an accessory use.

REGULATORY CONTEXT

Several definitions contained in the Chapel Hill Development Ordinance are important in determining the process by which a proposed telecommunication facility should be reviewed. These include:

- **Radio or Television Transmitting and/or Receiving Facility:** The use of land, buildings, or structures for the above-ground transmission and/or reception of airborne radio or television signals, including all transmitting and receiving towers, dishes and antennas except accessory radio or television transmitting and/or receiving antennas.
- **Accessory Radio or Television Transmitting and/or Receiving Antenna:** An antenna designed for the above-ground transmission and/or reception of airborne radio or television signals, customarily incidental to a permitted principal use, provided that any antenna located on a zoning lot containing a single-family or two-family dwelling shall serve only the needs of the occupants of such dwellings.
- **Accessory Use:** Customarily incidental to a permitted principal or special use.

A "Radio or television transmitting and/or receiving facility" is permitted only as a special use, and only in the following zoning districts: Community Commercial, Office Institutional-1, -2, and -3, and Industrial. A facility of this description is also permitted as either a principal or accessory use in a planned development. Land area requirements are such that a tower needs to be set back from all exterior property lines at least as far as the tower is tall. Special Use Permits are approved by the Town Council.

An accessory use is permitted anywhere, provided that it is "customarily incidental" to a permitted principal use. An accessory use can be approved by the Town Manager.

Accessory antennas are subject to setback and height restrictions which create a "building envelope" with the following exceptions:

"The following features may project above the building envelope defined by the maximum height limitations and additional setback requirements contained in Subsection 13.9.11 provided the Town Manager shall determine that such features do not significantly impair the degree of solar access provided adjacent properties through application of the appropriate solar setback requirements.

- a. Chimneys, accessory radio or television antennas, flagpoles, monuments, or solar collectors, provided the projection of such structures above the building envelope does not exceed fifteen percent (15%) of the maximum height limitation that defines the portion of the building envelope penetrated by such structures; . . ."

For property encumbered by a Special Use Permit, the Development Ordinance specifies what may be approved as a minor change by the staff and those changes which require Council consideration as a Modification of Special Use Permit. In addition, the terms of the Permit may further restrict the use of the property. Design commission approval may be required for some accessory antenna additions.

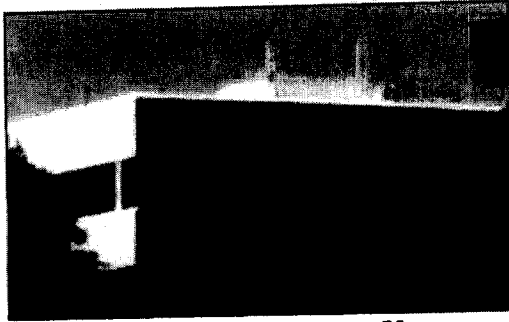
No other standards for appearance are provided in the Development Ordinance.

GUIDELINES FOR DETERMINING "ACCESSORY"

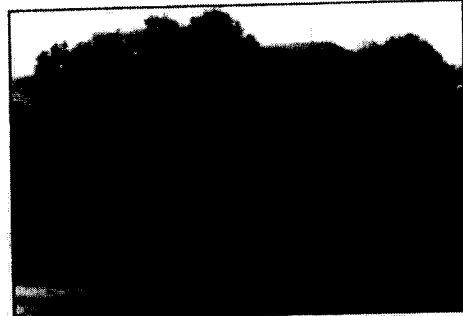
Since adoption of a 1997 Development Ordinance text amendment, installation of telecommunication facilities (including antennas and panels) on top of existing buildings or towers is allowed as an "accessory use." The Town of Chapel Hill in 1997 deemed such arrangements, and the co-location of telecommunication facilities in general, to be a desirable alternative to construction of new free-standing towers. The Town Manager shall use the following guidelines in determining whether a proposed telecommunications facility can be considered an accessory use.

Accessory: In order to be considered an accessory use, a telecommunication facility must first be clearly incidental and subordinate to the main use of a site. It cannot be of a type or nature that dominates the site, visually, architecturally, or in terms of overall massing. The following types of facilities, antennas, and panels are of a type that may be considered to be accessory uses.

1. **On Rooftops.** Antennas, utility rooms, and panels can be placed on top of existing buildings as an accessory use if the scale is small in comparison to the building, and the facilities are not visually obtrusive. In addition, the 15% limit above the building envelope, noted above, must be respected. Acceptable examples of accessory uses on rooftops follow:



Acceptable as Accessory Use

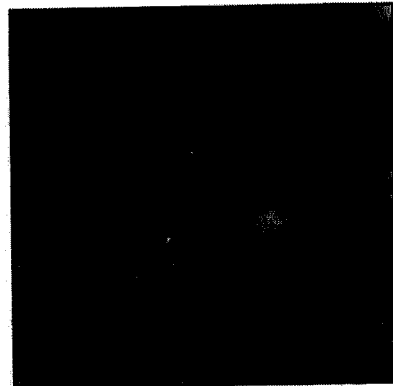


Acceptable as Accessory Use

2. **On Light Poles.** Existing light poles, for example those holding parking lot lamps or lights for athletic facilities, can be used for telecommunication facilities. For these telecommunication facilities to be considered accessory uses, they must not dominate the light pole in appearance, nor contain elements that extend vertically outward from the pole greater than ten feet. There should be no more than six panels mounted on a pole. The size, dimensions, and texture of poles containing telecommunication facilities should not differ greatly from nearby light poles. Further, the antennas may not exceed 15% of the maximum height limit for the building envelope. Acceptable examples of accessory uses on light poles follow:



Acceptable as Accessory Use

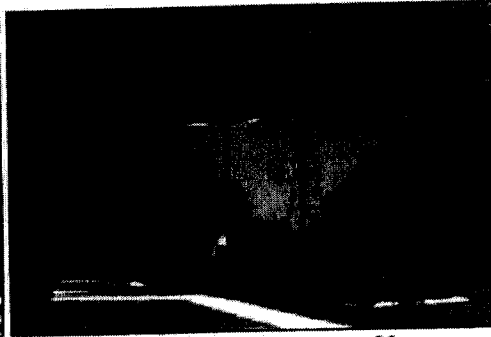


Acceptable as Accessory Use

3. **On Transmission Towers.** Antennas and panels can be mounted on existing transmission poles and considered to be accessory uses, if the telecommunication facilities do not significantly alter the appearance of the towers. Further, the antennas may not exceed 15% of the maximum height limit for the building envelope. Acceptable examples of accessory uses on transmission towers follow:



Acceptable as Accessory Use



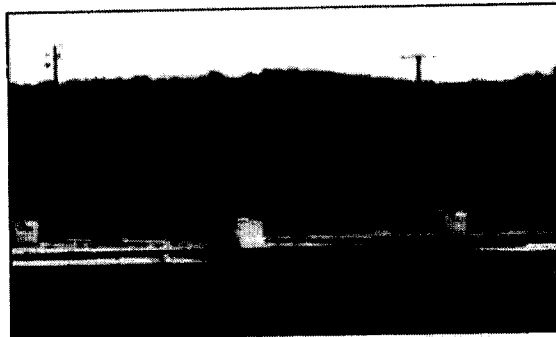
Acceptable as Accessory Use

4. **Hidden Facilities.** Any telecommunication facility that is completely hidden from exterior view can be considered an accessory use. Examples could include facilities within buildings or church towers.

Not Accessory: Facilities that create a dominant visual feature, separate and distinct from the principal use of a site, cannot be considered accessory uses. Facilities on light poles that would include more than six panels, or that would have horizontal elements that extend more than ten feet beyond the pole itself could not be considered to be accessory uses. Examples of facilities that should not be considered accessory uses follow:



Not Acceptable as Accessory Use



Not Acceptable as Accessory Use