

**AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE  
REGARDING TECHNICAL REVISIONS TO  
WIRELESS COMMUNICATION FACILITIES REGULATIONS (TC1600001)**

**WHEREAS**, the Durham Board of County Commissioners wishes to amend certain provisions in the Unified Development Ordinance by making technical revisions to wireless communication facility (WCF) regulations; and

**WHEREAS**, it is the objective of the Durham Board of County Commissioners to have the UDO promote regulatory efficiency and consistency and the health, safety, and general welfare of the community;

**NOW, THEREFORE**, be it ordained that Article 5, Use Regulations; and Article 16, Definitions, of the Unified Development Ordinance are amended to make the following changes set forth in the deletions (strikethroughs) and additions (underlining) below:

**PART 1**

**Sec. 5.3 Limited Use Standards**

[Paragraphs not listed remain unchanged]

**5.3.3 Public and Civic Use Standards**

**N. Wireless Communication Facilities for Transmitting and Receiving Electronic Signals (WCFs)**

**3. General Requirements**

**c. Structural, Operational, and Insurance Requirements**

(7) Service Providers

The current and/or intended service provider(s), as applicable for the application, shall be indicated on the site plan.

**4. Standards for Specific Wireless Communication Facilities (WCFs)**

**d. Eligible Facility Request/Substantial Change**

(1) Site plan approval is required pursuant to Sec. 3.7, Site Plan Review.

(2) For applications that claim “eligible facility request” status for additional height to a freestanding WCF, a fall zone impact analysis shall be provided.

(a) The analysis shall include:

i. A sealed engineering analysis of the fall zone with the additional height.

ii. A sealed survey indicating all primary structures and facilities within the fall zone shall be provided.

iii. A list of active building permits with addresses within the fall zone, or a statement that at time of submittal no building permits were issued within the fall zone.

(b) The analysis shall demonstrate the additional height does not impact primary structures or facilities if the support structure should fail. If the impact analysis demonstrates there are no existing primary structures or facilities, or none pending with an active building permit, within the fall zone with the

additional height, then the application shall be considered an “eligible facility request.” Otherwise, the request shall be considered a substantial change.

(23) If an application qualifies as an eligible facility request, the modification shall be allowed with an approved site plan demonstrating compliance with ~~applicable setbacks and the~~ requirements within paragraph 5.3.3N.3.c, Structural, Operational, and Insurance Requirements~~General Requirements~~.

(34) Eligible facility requests can be incremental, but shall not cumulatively result in creating a substantial change to the existing WCF.

**Example:** If 20 feet is the maximum additional height that can be added to a particular existing tower and maintain “eligible facility request” ~~status, status,~~ then multiple applications to incrementally increase height can be submitted, so long as the cumulative additional height does not exceed the 20-foot addition maximum.

(45) Measurements for modifications to a WCF in an application that claims an eligible facility request shall be based from the dimensions of the facility as approved prior to February 22, 2012. The measurements for modifications to all WCFs approved on or after February 22, 2012, shall be based from the dimensions of the facility as originally approved ~~or subsequent amendments to the original approval~~ and constructed.

(56) Substantial changes shall be held to all applicable Ordinance requirements.

**e. Freestanding, Concealed and Unipole WCF**

(1) Standards

(b) Setbacks

The following setback requirements are established to mitigate potential safety and aesthetic impacts upon surrounding properties.

i. Setbacks shall be measured from the base of the wireless support structure.

ii. The minimum setback ~~of the WCF~~ from each property line shall be 120% of the height of the tower, or 85 feet, whichever is greater. Except in PDR and residential districts, a reduction in the minimum setbacks may be approved through the issuance of a minor special use permit pursuant to Sec. 3.9, Special Use Permit.

iii. The minimum setback from the centerline of a natural gas line easement for gas lines measuring eight inches in diameter or greater shall be 120% of the height of the tower, or 85 feet, whichever is greater.

**f. Freestanding, Non-Concealed WCF**

(1) Standards

(a) General

i. In ~~all residential~~ the RR and RS-20 districts, freestanding, non-concealed WCFs shall only be permitted on parcels with a minimum lot size of five acres.

ii. Freestanding, non-concealed WCFs shall not be permitted in the RS-8 and RS-10 Districts.

- (b) Height
  - ii. In the RS-20 District
    - The maximum height shall be ~~limited to 20 feet above the allowable building height of the underlying zoning district~~ 55 feet.
  - iv. In All Other Districts
    - Pursuant to Sec. 5.1, Use Table, and the restrictions in paragraph (a), above, the maximum height shall be 180 feet.
- (c) Setbacks
 

The following setback requirements are established to mitigate potential safety and aesthetic impacts upon surrounding properties.

  - i. Setbacks shall be measured from the base of the wireless support structure.
  - ii. The minimum setback ~~of the WCF~~ from each property line shall be 120% of the height of the tower, or 85 feet, whichever is greater. Except in residential districts, a reduction in the minimum setbacks may be approved through the issuance of a minor special use permit pursuant to Sec. 3.9, Special Use Permit.
  - iii. The minimum setback from the centerline of a natural gas line easement for gas lines measuring at least eight inches in diameter shall be 120% of the height of the tower, or 85 feet, whichever is greater.

**5. Applications Requiring Special Use Permit Approval**

- a. The following shall be required, as applicable, in addition to the findings required pursuant to paragraph 3.9.8A, General Findings, in order for the approving authority (the Board of Adjustment or governing body, as applicable) to approve the special use permit.
  - (1) Evidence that it is not reasonably feasible to collocate new antennas and equipment on an existing wireless support structure or structures within the applicant’s geographic search ~~arearing~~. Collocation on an existing WCF support structure is not reasonably feasible if collocation is technically or commercially impractical, or the owner of the existing WCF support structure is unwilling to enter into a contract at fair market value.

**Sec. 16.3 Defined Terms**

[Definitions not listed remain unchanged]

**Fall Zone:** The area in which a wireless support structure may be expected to fall in the event of a structural failure, as measured by engineering standards.

~~**Geographic Search Area:** An area designated by a wireless provider or operator for a new base station facility, produced in accordance with generally accepted principles of wireless engineering.~~

**Geographic Search Ring:** The area within which a wireless support structure or wireless facility must be located in order to meet service objectives of the wireless service provider using the wireless facility or wireless support structure.

**PART 2**

That the Unified Development Ordinance shall be renumbered as necessary to accommodate these changes and clarifications.

**PART 3**

That this amendment of the Unified Development Ordinance shall become effective January 1, 2017.