

REQUEST FOR CITY COUNCIL CONSIDERATION

Meeting Date: Monday, January 4, 2010

Agenda Item:	Prepared By: Aaron C. Rucker
Agenda Section: Old Business: Ordinance: 2 nd Reading	Date: December 16, 2009
Subject: Amend Article VII Section 23-110 of the Zoning Ordinance, "Certain public services uses exempt" to add telecommunication monopoles located on City owned property [ZTX-09-11].	Division: Planning & Development

Background:

Two water tanks located at Edge Drive and 41st Avenue South are scheduled for removal, thus the telecommunication carriers co-located upon them will have to remove their antennae. The new water towers scheduled to replace them are not designed to support telecommunications antennae. If those antennae are not replaced, significant coverage gaps in cell phone service would likely result.

Existing Conditions

The purpose of this ordinance amendment is to permit the construction of towers and monopoles on City-owned property, which can then be leased to carriers for co-location of antennae. This would eliminate the current requirement that they be co-located *only* on water tanks. Approval would be subject to engineering review and a city lease agreement, and that the facility would be capable of accommodating essential public communication equipment.

All lease agreements entered into by the City for private use of these transmission tower facilities would include provisions for visual and noise buffering for all supporting equipment associated with the operation and maintenance of the facilities; the goal being elimination of any potential negative impact to surrounding properties.

Planning Commission Action

The Planning Commission conducted a public hearing on November 17, 2009. The Planning Commission voted 5-0 to recommend approval of the zoning text amendment with the condition that minor changes be made to the ordinance allowing 1) antennae on water towers and 2) supporting ground equipment *shall* be visually screened and noise buffered.

There was one comment made by the public concerning noise associated with the operation of telecommunications ground equipment at the Edge Drive water tower location. The individual expressed satisfaction that the buffering provision was changed to be mandatory.

On Monday, December 7, 2009, City Council voted unanimously to approve the First Reading of Ordinance.

The proposed Ordinance is attached for Council's convenience.

Reviewed by Division Head

Reviewed by City Manager

Reviewed by City Attorney

Council Action:

Motion By _____ 2nd By _____ To _____

ORDINANCE

AN ORDINANCE OF THE CITY OF NORTH MYRTLE BEACH PROVIDING THAT CHAPTER 23, ZONING ORDINANCE OF THE CITY OF NORTH MYRTLE BEACH, SOUTH CAROLINA, BE AMENDED BY REVISING ARTICLE VII, GENERAL AND SUPPLEMENTAL REGULATIONS, OF SAID CODE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF NORTH MYRTLE BEACH, SOUTH CAROLINA, IN COUNCIL DULY ASSEMBLED, THAT:

Section 1:

That Section 23-110 be amended as follows (new matter underlined, deleted matter struck-through):

Sec. 23-110. Certain public service uses exempt.

Uses: Due to the nature of certain public service uses and the need to locate such uses in certain areas of the city irrespective of prevailing district regulations, the following list of uses may be established in any zoning district, provided such uses meet all the dimensional requirements of the district, except height, within which they will be located:

Post office.
Police and fire stations.
Sewerage treatment facilities.
Water treatment and storage facilities.
Telephone exchange and repeater stations.
Radio and TV station masts.
Electrical transformers.

Wireless personal telephone transmission antennae ~~towers~~ on public water storage facilities, and towers or monopoles located on city-owned public property, subject to engineering approval and a city ~~franchise~~ lease agreement; and subject to the facility being capable of accommodating essential public communication equipment. All lease agreements entered into by the City for private use of these transmission tower facilities shall include provisions for extensive visual and noise buffering for all supporting equipment associated with the operation and maintenance of the facilities. The goal should be elimination of any potential negative impact to surrounding properties.

Wireless personal telephone transmission antennae and accessory equipment located atop flat-roofed buildings (that have a height of one hundred twenty (120) feet or greater), provided the antennae project no more than six (6) feet above and the accessory equipment does not protrude above the lowest parapet wall.

Spoilage easements and basins for deposition of dredged materials from area waterbodies.

Section 2:

That the North Myrtle Beach Planning Commission has provided the required public notice of this request and has held the necessary public hearings in accordance with applicable State Statutes and City Ordinances.

DONE, RATIFIED AND PASSED, THIS _____ DAY OF _____, 2009.

ATTEST:

Mayor Marilyn Hatley

City Clerk

APPROVED AS TO FORM:

City Attorney

FIRST READING: _____

SECOND READING: _____

REVIEWED:

City Manager