

**AN ORDINANCE AMENDING THE ZONING CHAPTER OF THE TOWN CODE TO CLARIFY STANDARDS FOR WIRELESS TELECOMMUNICATION FACILITIES**

**Ordinance 23-10**

**WHEREAS**, the Town of Duck is seeking to resolve a discrepancy between the Permitted and Prohibited Use Table in Section 156.040 and standards addressing Wireless Telecommunication Systems in Section 156.058; and

**WHEREAS**, the Town of Duck is seeking to establish specific standards for the height of new utility poles accommodating small wireless facilities on commercial properties; and

**WHEREAS**, it benefits Town officials, property owners, and prospective telecommunication providers to have clear, consistent standards for the location of wireless telecommunication facilities.

**NOW THEREFORE BE IT ORDAINED** by the Town Council for the Town of Duck, North Carolina:

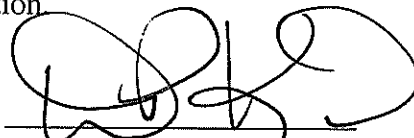
**PART I.** The Permitted and Prohibited Use Table in Section 156.040 of the Duck Town Code shall be amended with the addition of the following uses under the category of Wireless Telecommunication Systems:

Type of Use	C-PR	RS-1	RS-2	R-2	C-1	C-2	S-1	V-C	OSO	Addl Stds
Stealth Antenna	P	S	S	P	P	P	P	P	P	Sec 156.058
Small Wireless Facility	P	S	S	P	P	P	P	P	P	Sec 156.058

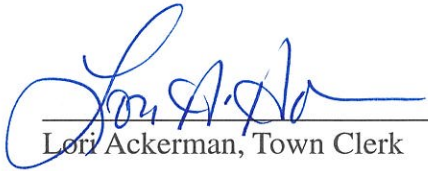
**PART II.** Subsection 156.058(J)(1)(b) of the Duck Town Code shall be amended as follows:

*“(b) Each new or modified utility poles installed to support small wireless facilities. In the Single-Family Residential (RS-1, RS-2) zoning districts, where the existing utilities are installed underground, a utility pole or wireless support structure cannot exceed 40 feet above ground level, unless the applicant obtains a variance approving the taller utility pole or wireless support structure. Each new or modified utility pole installed in public street rights-of-way or other zoning districts shall not exceed the greater of (i) 10 feet above an existing utility pole; or (ii) 50 feet above ground level.”*

**PART III.** This ordinance shall be effective upon its adoption.

  
 Don Kingston, Mayor

ATTEST:

  
\_\_\_\_\_  
Lori Ackerman, Town Clerk

Date adopted: September 6, 2023

Motion to adopt by: Monica Thibodeau

Vote: 5 AYES 0 NAYS

