

COUNTY OF CLEVELAND, NORTH CAROLINA
AGENDA FOR THE PLANNING BOARD MEETING

May 22, 2018

6:00 PM

County Commissioners Chamber

Call to order and Establishment of a Quorum

Invocation and Pledge of Allegiance

Approval of Minutes

Approval of Minutes from the April 24, 2018 Planning Board Meeting

Cases

Miscellaneous Business

Telecommunication Ordinance Discussion

Adjournment

COUNTY OF CLEVELAND, NORTH CAROLINA

AGENDA ITEM SUMMARY

Minutes

Department:

Agenda Title: Approval of Minutes from the April 24, 2018 Planning Board Meeting

Agenda Summary:

Proposed Action:

ATTACHMENTS:

File Name	Description
<input type="checkbox"/> 04-24-18_PB_Minutes.pdf	Minutes



CLEVELAND COUNTY PLANNING BOARD
Cleveland County Administrative Building – Commission Chambers
311 E. Marion Street, Shelby, NC
April 24, 2018 - 6:00 p.m.

Present:

Tom Spurling, Vice-Chairman
Charles Christenbury
Darryl Crawford
Ronnie Whetstine
Susan Scruggs
Lucas Shires

Absent:

Max Hopper, Chairman

Others

Chris Martin, Senior Planner
Henry Earle, County Planner
Anna Parker, Admin. Assistant
Ralph Wyngarden
Dorothy Pruitt
Brenda Patzwald

CALL TO ORDER

Vice-Chairman Tom Spurling called the meeting to order at 6:01 pm.

INVOCATION, PLEDGE OF ALLEGIANCE, AND ESTABLISH QUORUM

Tom Spurling led the Pledge of Allegiance, followed by the invocation. It was determined that a quorum was present.

APPROVAL OF MARCH 27, 2018 MINUTES

Ronnie Whetstine made a motion to approve the 03-27-2018 minutes. It was seconded by Susan Scruggs and unanimously carried.

ROAD RE-NAMING CASE 18-02: CARRIAGE CT. NORTH TO CARRIAGE RUN

Proposed Road Name: Change Carriage Ct. North to Carriage Run, in order to be an extension of the adjoining road named Carriage Run

Location: Carriage Run Subdivision, off of Fallston Rd.

Chris Martin said the Planning Department submitted this petition on behalf of the property owners on this road and E-911 services. E-911 had trouble finding addresses on Carriage Ct. North. It is confusing with other roads named Carriage Ct. South, Carriage Court, and Carriage Run. The entrance road to the neighborhood is “Carriage Run” and since this road turns to the right without a stop sign onto their road currently named Carriage Ct. North, the property owners would like to re-name their road as an extension of the existing Carriage Run to avoid confusion. The road to the left would continue to be “Carriage Ct. South”, which does have a stop sign onto Carriage Run. E-911 Services approves of this request.

Vice-Chairman Spurling opened the Public Hearing at 6:06 pm. There were no public comments and he closed the hearing at 6:06 pm.

Susan Scruggs made a motion to approve the road re-naming to “Carriage Run”. It was seconded by Ronnie Whetstine and unanimously carried.

RE-ZONE CASE 18-06: R TO NB-CD

Petitioner: Faulk & Foster Real Estate on Behalf of Verizon Wireless

Location: 156 Pete Mauney Rd.

Mr. Martin presented information about the cell tower re-zoning request. The area to be re-zoned will be 100x100 feet at 156 Pete Mauney Rd. in the town limits of Belwood. They are requesting to re-zone from Residential to Neighborhood Business Conditional District zoning. Neighborhood Business is mixed use; it allows for residential and business/light commercial uses which provide needed services in a neighborhood. The Conditional District in this case is the use is only for the telecommunications (cell) tower on the site plan provided. The cell tower will be providing a service to the area. This area is mostly rural residential use, and the surrounding properties are zoned residential. The applicant submitted a site plan to show the exact location of the tower area that will be leased, the tower height, screening, and the fall zone.

Darryl Crawford inquired about activation of the tower. He was concerned that there were towers that they approved in the past that were never activated, and wanted to know the proximity to any other cell towers. **Mr. Martin** stated that in 2012 to 2013 there were several that were being built by American Tower for AT&T that would co-locate with other providers. There were about 40 towers total at the last count by the Planning Department. **Tom Spurling** thought that it was maybe half a mile away to the nearest cell tower, which may even be in Lincoln County. **Mr. Crawford** expressed his concern about the towers not being activated and being too close together.

Mr. Martin stated that a cell tower ordinance was worked on a few years ago, but it was never adopted. There is no code now, other than the placement in specific zoning districts. This would be a good time to bring the issue back up and address those concerns.

Ralph Wyngarden from Faulk & Foster stated that these towers (for this case and case 18-07) are specifically being built by Verizon, for Verizon, unlike the other towers that were put up by American Tower that were to be leased. Their intent is to turn the service on (activate the towers). He reviewed the site plan- the tower is 195 feet tall, with Verizon at the top and at least two co-locators below. The fall zone is within the parcel boundaries. There will be landscaping around designed as a buffer, which is also on the site plan.

Mr. Spurling inquired about the lease. **Mr. Wyngarden** stated that it is for 30 years with 5 year renewal terms, at which point it can be re-negotiated. The property owner is obligated for 30 years unless there is some kind of breach or problem. Verizon also does maintenance, upkeep, and deconstruction. Deconstruction involves removing the steel and grinding the foundation three feet down. These details are in the lease with the property owner. Mr. Wyngarden thinks that cell towers like these will be a continued need as far as technology goes. There could be more, shorter towers in the future as the use of "smart" technology increases. Rural areas with less density will continue to need higher towers. As a general rule, the Verizon towers tend to be about 10 miles apart in rural areas and closer in the cities, up to a mile or less. Faulk & Foster is only the applicant and files the paperwork for zoning & permits. Verizon will be building, maintaining, and owning the tower, not Faulk & Foster.

Mr. Martin reviewed the zoning details- this parcel would be split zoned to accommodate just the 100x100 foot tower area being leased- the remaining portion would remain Residential. It would not be considered spot zoning with the conditional district, if it can be justified. Neighborhood Business zoning is consistent with the Land Use Plan which allows for neighborhood business in residential areas if it benefits the neighborhood. The better cell service will benefit the residents in this area.

Susan Scruggs pointed out that cell service is unreliable in rural areas, and she thinks this is important, especially for public safety.

Mr. Crawford agreed that it is important, but he thought it was being provided with other towers that were approved in the past, and he is concerned with too many towers being located in an area.

Mr. Whetstine inquired if the previous cell tower ordinance could be re-submitted. Mr. Martin stated that it could, and that tower location could be included in the ordinance. For instance, if a tower is too close to another tower, the applicant would need an engineer or consultant to justify why they need to be so close. It cannot be considered in this case though since the ordinance was not adopted.

Mr. Crawford expressed concern for previous towers that were approved but never activated, and their proximity to this new tower. **Vice-Chairman Spurling** pointed out that activation could be made a condition.

Mr. Wyngarden stated that he would be agreeable to a condition stating that the tower would be activated in so many months upon completion.

Vice-Chairman Spurling entertained a motion from the Board.

Lucas Shires made the motion to recommend approving the cell tower with the condition that the tower be activated and operable within three months of the construction completion date. Susan Scruggs seconded the motion and it passed with 5 votes in favor and one opposed.

RE-ZONE CASE 18-07: R to NB-CD

Petitioner: Faulk & Foster Real Estate on Behalf of Verizon Wireless

Location: 133 Daves Rd.

Mr. Martin stated that this is the same applicant as the previous re-zoning case 18-06. The area for re-zoning is a 100 feet by 100 feet portion of 133 Daves Rd. (the area being leased on the property) on the west side of the county. Although it is near Hwy. 74, there is no access directly from the highway to this location; the road dead ends before Hwy. 74. Site plans were submitted showing the fall zone, screening, and the tower height of 255 feet. The Land Use Plan calls for this area to be Light Industrial, and encourages business development uses in future industrial districts. Neighborhood Business is mixed use for commercial and residential and would therefore fit with the Land Use Plan for this area. The Land Use Plan would not need to be

amended to meet this re-zoning request since it is a compatible use. There are some industrial uses in this area now on a small scale.

Mr. Wyngarden stated that this tower will be able host three other providers in addition to Verizon. The higher tower helps to cover lower areas, over rolling hills, pine trees, and over a longer distance. He said he would be agreeable to adding on a condition about activation within three months for this tower as well.

Vice-Chairman Spurling entertained a motion from the Board.

Lucas Shires made the motion to recommend approving the cell tower with the condition that the tower be activated within three months of the completion date. Charles Christenbury seconded the motion and it passed with 5 votes in favor and one opposed.

RE-ZONE CASE 18-08: RR to R

Petitioner: Dorothy Pruitt

Location: 905 Cleveland Ave.

Chris Martin stated that the parcel is on the north side of the town of Grover and it is currently zoned as Restricted Residential. Her request is for re-zoning to Residential. The recommendation of the Planning Board will go to the Grover town council. The surrounding use is residential with some business. This request would be an extension of the existing Residential zoning district to the north of this parcel. It is in harmony with the area and the County Land Use Plan up to that area (the town of Grover has not adopted a Land Use Plan). There were no comments from neighbors made to the Planning office.

Mr. Whetstine felt that it was consistent with the neighboring residences, and would not hurt any surrounding property values.

Vice-Chairman Spurling entertained a motion from the Board.

Charles Christenbury made the motion to recommend re-zoning the parcel at 905 Cleveland Ave. from Restricted Residential to Residential. Lucas Shires seconded the motion and it unanimously carried.

RE-ZONE CASE 18-09: R to GB

Petitioner: Steve Bowen

Location: 3711 Lavista Dr.

Chris Martin stated that the property owner Steve Bowen has his business Crash's Collision on the adjacent property and it is zoned General Business. He has since acquired these new parcels adjacent to his shop (parcels 31081 & 31082) and wants to re-zone them to General Business from Residential. This area is designated as a commercial area on the Land Use Plan and so this request complies with the Land Use Plan. There are a few houses in the area, and a lot of businesses. No neighbors have made any comments to the Planning Office. There are screening

requirements for businesses adjoining residential properties. There are a lot of trees existing at 3711 Lavista Dr. and on the neighboring parcels, and the property is well graded to be above the residence to the south, as shown on the Web GIS aerial. Parcel 31082 is currently being used as a parking lot for Crash's Collision.

Mr. Whetstine thought that it would be a wise decision considering the opportunities that businesses will have on Hwy 74; it will become more accessible to locals once the bypass is completed.

Vice-Chairman Spurling entertained a motion from the Board.

Ronnie Whetstine made the motion to recommend re-zoning Case 18-09 from Residential to General Business. Susan Scruggs seconded the motion and it unanimously carried.

MISCELLANEOUS BUSINESS

- **Boiling Springs Park Revitalization Presentation by Luca Shires**

Lucas Shires presented as the Town Manager for Boiling Springs. About two years ago the town embarked on a park master plan study. They currently have one park. Their goal is to obtain a dollar for dollar matching grant and one of the requirements is to present to a civic organization. He hopes to push the issue through next year, and the County has agreed to contribute \$80,000. This is to provide more accessible recreational opportunities, and Mr. Shires would like to show the completed plans to the Planning Board. He will be looking for Steering committee members.

- **Planning Board Training Class 5-1-18**

Staff presented the details for the training opportunity on Tuesday May 1st, "Legislative Zoning Decisions" in Charlotte. Attendees will meet at 11 am at the Administrative Building, and be back around 5:30 or 6 pm. Transportation and lunch will be provided. The members currently enrolled are Max Hopper, Tom Spurling, Charles Christenbury, and Lucas Shires, along with Staff members Henry Earle and Anna Parker. Lucas Shires requested to cancel his enrollment due to a conflict in scheduling.

- **Tower Ordinance Discussion**

Mr. Martin said the last time the Planning Board request for a Cell Tower (Telecommunications Tower) Ordinance was brought before the Commission was in 2013. They were not ready to commit to the ordinance change at that time. Mr. Martin felt like they will be more likely to receive changes if there have been problems or if the request were to come from citizens directly. The fact that the Planning Board had "no" votes on the cell tower cases today shows there is some contention.

A new ordinance would allow a cell tower with a Conditional Use Permit in all of the zoning districts instead of re-zoning or split zoning parcels.

Some of the points the Planning Board brought up are:

- ❖ Activation of tower upon completion of the construction.
- ❖ Distances from tower to tower (i.e. proper justification if towers are too close together).
- ❖ Require a Conditional Use Permit through the Board of Adjustment since they deal with facts and evidence. It would be a better avenue for these cases to be decided upon, and would avoid spot zoning issues.
- ❖ Determine the number of towers in existence, and which ones have been activated (possibly by looking to see if they applied for an electrical permit).
- ❖ Look at if the builder is a cell provider, or a third party that is looking for a carrier.
- ❖ Co-location, and justify building a new tower vs. co-locating at an existing tower.

- **Land Use Plan Discussion**

Mr. Whetstine spoke with the County manager about the Land Use Plan. It will go into processing for this budget year instead of waiting for the Bypass to be completed.

ADJOURNMENT

There being no further business, Vice-Chairman Spurling entertained a motion to adjourn.

Charles Christenbury made a motion to adjourn the meeting at 7:10 pm. Susan Scruggs seconded the motion and it unanimously carried.

ATTEST:

Max Hopper, Chairman

Anna Parker, Administrative Assistant

Tom Spurling, Vice-Chairman

COUNTY OF CLEVELAND, NORTH CAROLINA

AGENDA ITEM SUMMARY

Telecommunication Ordinance Discussion

Department:

Agenda Title: Telecommunication Ordinance Discussion

Agenda Summary:

Proposed Action:

ATTACHMENTS:

File Name	Description
<input type="checkbox"/> 18-10_Staff_Report.pdf	Staff Report
<input type="checkbox"/> Tower_Ordinance_Table_for_Planning_Board_2018.pdf	Tower Ordinance Table
<input type="checkbox"/> 13-05_Text_12-31-15.pdf	2013 Cleveland County Draft Tower Ordinance

STAFF REPORT

To: Planning Board

From: Chris Martin

Subject: Text Amendment Case 18-10 - Cell Towers

Date: May 15, 2018

Summary Statement: At their May 1, 2018 regular meeting, the Board of Commissioners thanked the Planning Board and Staff for their efforts regarding the latest tower rezoning request and asked us to evaluate standards and regulations to help guide the development of future towers in the County.

Review: Telecommunication towers are currently permitted only in commercial and industrial zoning districts. The demand for more data is driving the need for towers in rural areas to provide more uniform coverage across the county. Also, a large percentage of Emergency 911 calls are being made by cell phones, as opposed to land line phones. New towers in residential areas require Conditional District rezoning and you have seen many rezoning cases of this type in recent years.

Our Land Use Plan encourages stronger zoning regulations pertaining to the location of telecommunication towers, per Strategy C-B7.

Staff feels that towers can be an allowable use in the Residential zoned areas, since they are providing a desired service to the citizens while at their homes or in their automobiles. This would eliminate the need to “rezone” parcels for the use as a cell tower, while still requiring they meet specific standards.

The Planning Board has developed several draft tower ordinances in the past, most recently in 2013. This draft ordinance allowed towers in all zoning districts with either a conditional use permit or a zoning permit. For towers located within 3 miles of an existing tower, it required developers to pay a consultant fee so that the County could hire a consultant to review the application and determine if there were co-location options and if the tower height and structure were necessary to provide the desired service area. It also applied standards such as property line setbacks and decommissioning requirements. This draft ordinance would comply with the Land Use Plan.

Staff has included with this report a copy of the draft ordinance from 2013, the NC Statutes allowing County's to have reasonable standards, and some sample standards from other County's tower ordinances. Please review and we can discuss at the regular meeting. Once the Planning Board has determined the best development standards for towers, we can then make a recommendation to the Commissioners for adoption.

Please let staff know if you have any questions, or if anyone has any additional research they would like us to include. As always, thanks for your help!

Zoning/Location of Towers

County	Location/Zoning
Cabarrus	Allows towers in most zones: commercial, industrial and some agriculture, but no residential zones. No justification required for tower placement.
Chatham	Allowed in all zones and un-zoned portions subject to standards put forth for Special Use Permit.
Cumberland	Allowed in all zones. The agricultural zone does not have a tower height restriction while other zones have a 450' tower maximum.
Iredell	Allowed in all zones, under 250' by administrative approval, over 250' by BOA approval.
Jackson	Zoned by hierarchy of priority: Colocation, existing structures that can support wireless support structures, commercial property, rural property and finally residential property. Documentation required (intermodulation study) if not at the highest priority.
Lancaster	Allowed in all zones, not allowed within 300' of any residential use, half mile buffer between towers
Montgomery	Allowed in Commercial and Industrial with administrative approval. Allowed in Residential zones R3 and R2 with CUP. Towers under 150' in Commercial and Industrial are zone by right, over 150' requires a CUP.
Rockingham	Towers are allowed by priority zoning: first by colocation on existing towers, then placement on County owned property, Industrial, Commercial and Residential Agricultural.
Stanly	Towers are only allowed in the telecommunications overlay district. Max height of 199.5 feet in Residential and Business districts, 300 feet in the Manufacturing zones.
Warren (Draft)	Allowed in all zones with a Conditional Use Permit issued by the Board of Adjustment.
Cleveland (2013 Draft)	Allowed in NB, GB, LI and HI with Administrative approval, all other districts by CUP. Any proposed tower within three miles of existing tower must be subject to third party review.

Application Process

County	Application
Cabarrus	Surveyed site plan with engineer certified fall zone
Chatham	Surveyed site plan with engineered fall zone. Commercial building permit, letter of authorization from owner. 45 day review, 150 days to make full decision
Cumberland	Surveyed site plan showing engineered fall zone, and all applicable building code requirements. Shall meet FAA standards for lighting if required.
Iredell	Surveyed site plan with contours, vegetation, engineered fall radius and boundaries.
Jackson	Pre-application meeting with Planning Director to review proposal and discuss permitting process with applicant. Within 15 business days of application, applicant shall be notified of completeness or further needs.
Lancaster	Surveyed site plan with engineer certified fall zone
Montgomery	Site plan with pictures of similar structures, and engineered fall zone
Rockingham	Pre-application meeting to address concerns from either party and to discuss permitting process. Special use permit requires a surveyed site plan (17 copies) with metes and bounds, all structures on property, landscaping and fencing, statement of why colocation won't work, and an inventory of towers within a 4 mile radius. Visual impact study and before and after pictures.
Stanly	Site plan with lot dimensions, tower type and height, engineered fall zone and nearest structures.
Warren (Draft)	Site plan, documentation that shows no suitable colocation exists and that other users can collocate on this tower. Documentation showing use submitted annually.
Cleveland (2013 Draft)	Surveyed site plan with engineered fall zone

Development Standards

County	Development Standards
Cabarrus	Setback must be where tower will land upon its own property. 6-8 foot perimeter fence, minimum four (4) foot screening buffer
Chatham	Setback from property line must be fall zone, half of tower height, or 50 feet, whichever is greatest. Six (6) foot fence and year round 6 foot high opaque screening required. Fencing must be obscured within four (4) years of planting.
Cumberland	In the Residential and Agricultural zones the setback shall be the height of tower at minimum. For commercial and industrial zones the setback is fifty (50) feet or one foot for every two feet of tower, whichever. A ten (10) foot chain link fence is required around the tower with evergreen screening reaching a minimum height of 25 feet.
Iredell	The setback shall be the height of tower unless an engineer certifies a smaller fall zone. There must be 500 feet between the tower and any residential dwelling not located on the same parcel. Tower must be at least ½ mile from any other tower. Chain link fence of eight (8) feet
Jackson	Tower height up to 180'. Setbacks of engineered fall zone plus 10%. Tower must be fenced in (no specifics) and are encouraged to use camouflage/concealment techniques.
Lancaster	The setback shall be the engineered fallback. Sites need six (6) foot fencing, and should be screened to blend in with surroundings. There is to be no lighting on towers except for FAA requirements for towers over 200 feet.
Montgomery	Leased tower areas shall maintain a minimum 100' setback from property line. Concealment techniques (such as putting antennas in church steeples) are encouraged. If new tower eight (8) foot opaque fencing is required. Evergreen screening of six (6) feet required to be planted five (5) feet from fence.
Rockingham	The setback shall be the tower height or engineered fall zone from property lines, structures or road right of ways. Screening employed with six (6) foot landscape buffer. Eight (8) foot fencing around structures.
Stanly	The setback is the tower height or engineered fall zone. Eight (8) foot chain link fence around structures. Screening shall be a minimum of twelve (12) evergreen trees (minimum 8 foot height at planting) and 20 shrubs (minimum 2 foot at planting, grow to 5 feet) per 100 feet of leased space.
Warren (Draft)	Setbacks shall be the height of the tower or the generally zoned setback, whichever is greater. For towers over 75 feet it is one foot per every two feet in height. Screening shall be evergreen trees that are six (6) foot minimum at planting,

	growing to 35 feet at maturity, along with a row of dense shrubs on all sides of fence.
Cleveland (2013 Draft)	Setbacks of height of tower from property lines and 150% of height from any habitable dwelling. Fencing of not less than six (6) feet in height.

- All towers ask for accommodation of collocation. Number of collocation ranges from two to five depending on height (Iredell, Chatham)
- No signs or billboards allowed on towers.

Decommissioning Plan

County	Decommissioning Plan
Cabarrus	None listed
Chatham	Tower owner notified after twelve (12) months of non-use, given 60 days to reclaim usage, then 180 days to dismantle. County can remove after 180 days at charge to property owner
Cumberland	Tower owner notified after six (6) months of non-use, given 90 days to dismantle.
Iredell	Tower owner notified after six (6) months of non-use, has 120 days to take down.
Jackson	None listed
Lancaster	Tower owner notified after six (6) months of nonuse, 180 days to remove by wireless provider.
Montgomery	Tower owner notified after six (6) month of non-use. No timetable for dismantling reported.
Rockingham	Tower owner notified after twelve (12) months of non-use or when the tower falls into a hazardous state of disrepair, dismantling shall commence within 90 days and finish in a reasonable time.
Stanly	Tower is considered abandoned after 90 days and must be removed within six (6 months) from first day of abandonment.
Warren (Draft)	Tower owner notified after six (6) months after non-use, removal within 180 days of that notice. The County may remove as a lien against property.
Cleveland (2013 Draft)	Tower is considered abandoned after twelve (12) continuous months, and must be removed within six (6) months.

OBJECTIVES:

Regulate the height, appearance, and separation of towers (Land Use Plan Strategy C-B7)
Encourage co-location of antennas
Demonstrate the need for new towers or an increase in height of existing towers

PROPOSED TEXT AMENDMENT

ARTICLE II. GENERAL DEFINITIONS

Sec. 12-21. Definitions of basic terms.

Antenna. Communications equipment that transmits and receives electromagnetic radio signals used in the provision of all types of wireless communications services.

Collocation. The installation of new wireless facilities on previously-approved structures, including towers, buildings, utility poles, and water tanks.

Eligible facilities request. A request for modification of an existing wireless tower or base station that involves collocation of new transmission equipment or replacement of transmission equipment but does not include a substantial modification.

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.

Substantial Modification. The mounting of a proposed wireless facility on a wireless support structure that substantially changes the physical dimensions of the support structure. A mounting is presumed to be a substantial modification if it meets any one or more of the criteria listed below. The burden is on the local government to demonstrate that a change not listed constitutes a substantial change to the physical dimensions of the wireless support structure.

- a. Increasing the existing vertical height of the structure by the greater of more than ten percent (10%) or the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet (20').
- b. Except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable, adding an appurtenance to the body of a wireless support structure that protrudes horizontally from the edge of the wireless support structure the greater of (1) more than twenty (20) feet or (2) more than the width of the wireless support structure at the level of the appurtenance.
- c. Increasing the square footage of the existing equipment compound by more than 2,500 square feet.

Wireless Support Structure. A new or existing structure, such as a monopole, lattice tower, or guyed tower that is designed to support or capable of supporting wireless facilities, excluding amateur radio tower and citizen band tower.

Wireless Telecommunication Facility. The set of equipment and network components, exclusive of the underlying wireless support structure or tower, including antennas, transmitters, receivers, base stations, power supplies, cabling, and associated equipment necessary to provide wireless data and wireless telecommunications services to a discrete geographical area, as provided in NCGS 160A-400.51(9).

ARTICLE VIII. ZONING DISTRICTS AND ZONING MAP

DIVISION 2. ZONING DISTRICTS

Sec. 12-124. Table of Permitted Uses.

Table of Permitted Uses										
RA-Rural Agricultural RR-Restricted Residential R-Residential RM-Manufactured Home & Parks	NB-Neighborhood Business GB-General Business CP-Corridor Protection					LI-Light Industrial HI-Heavy Industrial				
	NAICS	RA	RR	R	RM	NB	GB	CP	LI	HI
INFORMATION										
Wireless Telecommunication Facility	51721	C	C	C	C	Z	Z	C	Z	Z

ARTICLE IX. DEVELOPMENT STANDARDS

Sec. 12-159 Wireless Support Structure.

The following application procedures and standards shall apply to the construction of any new wireless support structure or to the substantial modification of an existing wireless support structure:

(a) Application procedures.

1. Zoning Permit or Conditional Use Permit (reference 12-124)
2. Site Plan (reference Sec. 12-33)
3. Third-party consultant review if located within three (3) miles of any existing wireless support structure or wireless telecommunications facility. The applicant shall pay a review fee.
4. A third party consultant may review applications for the following:
 - a. Where applicable, the proposed height of a new wireless support structure or initial wireless facility placement or a proposed height increase of a substantially modified wireless support structure, or replacement, wireless support structure or collocation is necessary to provide the applicant's designed service.
 - b. That no existing or previously approved wireless support structure can reasonably be used for the wireless facility placement instead of the construction of a new wireless support structure.
5. The application may be denied based on the results of the consultant review.

(b) Setbacks

- 1 A wireless support structure shall be set back from all property lines a distance equal to the height of the wireless support structure, unless an easement encumbering the affected property is recorded with the Register of Deeds office.
2. A wireless support structure shall be set back a minimum distance of one hundred fifty (150) percent of the height, from any habitable structure.

(c) Fencing. Ground mounted accessory equipment and wireless support structures shall be secured and enclosed with a fence not less than six (6) feet in height.

- (d) Signage. Signage shall be limited to ownership and contact information, including the licensee system site numbers for each antenna. Commercial advertising is prohibited.
- (e) Bond or Letter of Credit
 1. Prior to the issuance of a building permit, the developer shall provide a bond or irrevocable letter of credit in favor of the County, in an amount equal to the estimated removal cost of the tower structure, cabling, electrical components, and any other associated facilities, less the salvage value of the equipment prior to construction.
 2. If the developer elects to use a letter of credit, it shall be issued by a federally chartered bank with a branch office in western North Carolina. The bond or letter of credit shall remain in full force and effect until any necessary site restoration is completed to restore the site to a condition comparable to that which existed prior to the issuance of the conditional use or zoning permit.
 3. Notwithstanding the bond or letter of credit requirement, the owner of the tower shall not be required to post a bond or letter of credit if they can produce a salvage value certification which demonstrates that the salvage value of the equipment exceeds the cost of decommissioning the site.
 4. The owner of the tower shall be required to post a bond, letter of credit, or salvage value certification annually, and failure to do so is a violation subject to the penalties set forth in Section 12-94.
- (f) Decommission Plan
 1. The tower owner is responsible for decommissioning; however, nothing about the issuance of this permit relieves the landowner of the obligation to remove the equipment as outlined in the conditional use or zoning permit.
 2. If the tower owner fails to ensure the removal of the equipment within six (6) months after all antenna have been removed for a period of twelve (12) continuous months, the landowner shall be in violation of the conditional use or zoning permit, and be subject to the penalties set forth in Section 12-94.
 3. Each day that the violation continues after notification to the landowner by the Administrator, shall be considered a separate offense for purposes of penalties and remedies.
- (g) Enforcement by Injunction, Abatement and Liens
 1. If a violation continues under Section 12-94, the violation may be enforced by an order of abatement issued by the General Court of Justice for failure of the landowner to correct the unlawful condition of the property. Upon issuance of an abatement order by the General Court of Justice, a landowner must comply with the order within the time limit specified. If the landowner fails to do so, the County may take steps necessary to correct the condition of the property. The cost to correct the condition shall be a lien on the property in the nature of a mechanic or material man lien.
 2. The equipment which remains shall be deemed abandoned and salvaged for the cost of decommissioning.
 3. Should the salvage value exceed the cost of decommissioning, the balance shall be placed with the Office of the Clerk of Court for abandoned funds.