

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

November 27, 2018

6:00 PM

Commissioners Chambers

Call to order and Establishment of a Quorum

Invocation and Pledge of Allegiance

Approval of Minutes

Minutes from the October 23, 2018 Planning Board Meeting

Cases

Case 18-12: Text Amendment to Section 12-138 of the Cleveland County Unified Development Code

Case 18-10: Cell Tower Text Amendment Discussion

Miscellaneous Business

Adjournment

COUNTY OF CLEVELAND, NORTH CAROLINA

AGENDA ITEM SUMMARY

Minutes

Department:

Agenda Title: Minutes from the October 23, 2018 Planning Board Meeting

Agenda Summary:

Proposed Action:

ATTACHMENTS:

File Name	Description
<input type="checkbox"/> 10-23-18_PB_Minutes.pdf	Minutes



CLEVELAND COUNTY PLANNING BOARD
Cleveland County Administrative Building – Commission Chambers
311 E. Marion Street, Shelby, NC
October 23, 2018 - 6:00 p.m.

Present:

Max Hopper, Chairman
Tom Spurling, Vice-Chairman
Charles Christenbury
Darryl Crawford
Ronnie Whetstine

Absent:

Susan Scruggs
Lucas Shires

Others

Chris Martin, Senior Planner
Anna Parker, Administrative Assist.
Bessie Barrett, Applicant
Donna Prescott

CALL TO ORDER AND ESTABLISH QUORUM

Chairman Max Hopper called the meeting to order at 6:02 pm. It was determined that a quorum was present.

INVOCATION AND PLEDGE OF ALLEGIANCE,

Chairman Hopper led the invocation, followed by the Pledge of Allegiance.

APPROVAL OF THE AUGUST 28, 2018 MINUTES

Vice Chairman Spurling made a motion to approve the August 28, 2018 minutes. It was seconded by Darryl Crawford and unanimously carried.

CASE 18-11: RE-ZONING FROM GENERAL BUSINESS TO NEIGHBORHOOD BUSINESS

Chris Martin stated that the applicant Bessie Barrett wishes to re-zone Parcel # 37254 at 6033 Fallston Rd. from General Business to Neighborhood Business. It is within the town limits of Belwood and is on Highway 18. The back of the property is on Belwood-Lawndale Rd. There is a business structure on the site that was previously used as a medical office. The Land Use Plan calls for the area Future Commercial and so this request is compliant with the Future Land Use Plan. The Neighborhood Business zoning allows for some business uses and residential use. The surrounding area is mixed residential and business use.

Donna Prescott of 6031 Fallston Rd. spoke about the property. She owns the business next door and she said the neighbors are okay with the zoning change. The building has been sitting there empty for seven years and they would like to see it occupied.

Ronnie Whetstine said it would be better if the property can be occupied, and the property looks well maintained.

Charles Christenbury made a motion to recommend the re-zoning of the property from General Business to Neighborhood Business to the Town Council of Belwood. It was seconded by **Ronnie Whetstine** and unanimously carried.

Miscellaneous Business

Cell Tower Ordinance Update

Chairman Hopper pointed out changes with the latest FCC rulings on cell towers that were passed about three weeks ago regarding small sites such as 5G boxes on telephone poles and that local governments aren't given much control about the approval or disapproval of them.

Chris Martin said staff will review the most recent FCC rulings and compare them with the drafted ordinance. Currently, Staff have made some grammar changes to the draft. Staff changed some of the pertinent permit language to state "construction completion" instead of relying on "Building Permit completion" since carrier owned towers are exempt from getting building permits for constructing their towers. Carrier owned towers are considered public utilities under North Carolina building code which are exempt from local inspections for the towers. Chairman Hopper reviewed screening to make sure the ordinance includes "maintaining" the screening.

Board Dinner

Staff would like to host the annual Board member dinner as a thank you. The proposed date is December 11th, the second Tuesday in December. The Board could move their December meeting to that date at 5:30 pm and have the dinner at 6:30 pm, or 6:00 pm if there are no cases. Staff will send invitations.

Land Use Plan Audit

The Land Use Plan audit will be performed by Isothermal Planning and Development Commission and will take about ten weeks to complete once they start. If we get the audit done by early spring, Staff plans to budget for a new plan in July (the new budget year) if it is needed (the audit will determine if it is needed). Staff will bring the results of the audit to the Planning Board, and will work to determine if a new plan is needed. The Planning Board commended the Commissioners and Staff for moving quickly forward with the Land Use Plan decisions.

Text Amendment Inquiry into detached carports and garages in front yards

Staff has had requests over the years from homeowners wanting to build carports or garages in the side yards in front of their homes. Detached accessory structures are not allowed in the front yard (in front of the home) at all under the current Zoning Ordinance. Staff has had several requests come up recently. **Mr. Martin** wants the Planning Board to be aware of the fact that

this issue has come up and that the Planning Board and Commissioners may push for a text amendment, or property owners may submit an application for a text amendment in the near future. **Mr. Martin** showed some examples on aerial maps of carports in the front side yard where homeowners have turn-arounds in their driveway or paving on the side of their driveway in the front side yard. **Ronnie Whetstine and Tom Spurling** felt that the detached structures were okay to the side, but not *in front* of the home, and that it shouldn't be allowed for large workshops. **Chairman Hopper** wants to consider appearance standards and rules about lot sizes, and being clear about "front of the house" and "front of the property".

ADJOURNMENT

There being no further business, **Chairman Hopper** adjourned the meeting at 6:36 pm.

ATTEST:

Max Hopper, Chairman

Anna Parker, Administrative Assistant

COUNTY OF CLEVELAND, NORTH CAROLINA

AGENDA ITEM SUMMARY

Case 18-12: Text Amendment for Garages and Carports

Department:

Agenda Title: Case 18-12: Text Amendment to Section 12-138 of the Cleveland County Unified Development Code

Agenda Summary:

Proposed Action:

ATTACHMENTS:

File Name	Description
<input type="checkbox"/> 18-12_Staff_Report_Text_Amendment_Section_12-138_Garages_and_Carports.pdf	Staff Report
<input type="checkbox"/> Section_12-138_Accessory_building_update_draft_from_applicant_for_Case_18-12.pdf	Code amendment with applicant request
<input type="checkbox"/> Section_12-138_Accessory_building_update_draft_for_garages_and_carports_staff_suggestions_for_case_18-12.pdf	Code amendment with staff suggestions
<input type="checkbox"/> Carport_and_Garage_Location_Examples.pdf	Carport and Garage Examples
<input type="checkbox"/> Other_county_allowances_for_accessory_buildings_in_front_of_lot.pdf	Other county allowances

STAFF REPORT

To: The Cleveland County Board of Commissioners Date: November 20, 2018
From: Chris Martin, Senior Planner
Via: Henry Earle, Planner
Subject: Case 18-12

Summary Statement: Britt Bernhardt has applied for a text amendment to Section 12-138(a) of the Cleveland County Unified Development Code (UDO).

Review: Section 12-138 of the Cleveland County UDO addresses accessory structures and location of said structures. Section a states that all accessory structures must be located in the rear or side yard of any parcel with a principal dwelling. Mr. Bernhardt is requesting an amendment that allows garages/carports to be placed in the front of a principal dwelling on lots that are two (2) acres or more.

Pros:

- Allows for greater flexibility of placement for garages/carports on residential lots
- Addresses a common question asked of the zoning department

Cons:

- As written, this would allow garages/carports to be placed directly in front of primary residential structure.

Fiscal Impact:

- None

Recommendations:

- Planning Board:

Text Amendment Requested by Applicant

Sec. 12-138. - Location of accessory buildings on residential lots.

- (a) On any residential lot, accessory buildings and structures shall not be located in any front yard required for principal buildings, shall not cover more than thirty (30) percent of any rear yard required for the principal building, and shall be at least twenty (20) feet from any building used for human habitation on adjoining lots. **Exceptions to this rule include garages and carports, which are allowed within the front yard of any principal dwelling, under the following conditions:**
 - 1. The parcel on which the garage or carport is to be located is a minimum of two (2) acres.**
 - 2. The garage or carport maintains a 150 foot setback from the front right-of-way.**
- (b) Accessory buildings designed or used for human habitation as may be permitted by this chapter shall be located no closer to the principal building than thirty (30) feet and shall meet the side yard requirements for the district in which located.
- (c) A double garage, one-half ($\frac{1}{2}$) of which would be located on each of two (2) lots, shall be permitted in any residential district, provided a written request signed by both parties is submitted with the building permit application.
- (d) On any lot or tract in the RA district, accessory buildings and structures shall be at least twenty (20) feet from any building used for human habitation on adjoining lots.
- (e) Outdoor swimming pools shall be protected by a fence or equal enclosure, a minimum of four (4) feet in height, equipped with a self-locking and positive self-latching gate provided with hardware for permanent locking. This enclosure is intended to protect against potential drowning by restricting access to swimming pools.
- (f) See also section 12-174, accessory building setback requirements.

Additional Options Researched and Written by Staff

Sec. 12-138. - Location of accessory buildings on residential lots.

(a) On any residential lot, accessory buildings and structures shall not be located in any front yard required for principal buildings, shall not cover more than thirty (30) percent of any rear yard required for the principal building, and shall be at least twenty (20) feet from any building used for human habitation on adjoining lots. *Exceptions to this rule include garages and carports, which are allowed within the front yard of any principal dwelling, under the following conditions:*

- 1. Garages and carports must be designed to accommodate no greater than three (3) automobiles.*
- 2. The garage or carport may be placed no more than fifty (50) feet in front of the front plane of the principal dwelling.*
- 3. The garage or carport shall comply with all principal building setbacks.*
- 4. Only one (1) garage or carport may be placed in the front yard.*

***Language on placement of garage/carport restricted to the front/side of primary structure, not placed directly in front of the primary residence.*

- (b) Accessory buildings designed or used for human habitation as may be permitted by this chapter shall be located no closer to the principal building than thirty (30) feet and shall meet the side yard requirements for the district in which located.
- (c) A double garage, one-half (½) of which would be located on each of two (2) lots, shall be permitted in any residential district, provided a written request signed by both parties is submitted with the building permit application.
- (d) On any lot or tract in the RA district, accessory buildings and structures shall be at least twenty (20) feet from any building used for human habitation on adjoining lots.
- (e) Outdoor swimming pools shall be protected by a fence or equal enclosure, a minimum of four (4) feet in height, equipped with a self-locking and positive self-latching gate provided with hardware for permanent locking. This enclosure is intended to protect against potential drowning by restricting access to swimming pools.
- (f) See also section 12-174, accessory building setback requirements.

Albert Blanton Road





15 feet

20 feet



Gaston County

A. Within any zoning district, accessory structures shall be located as follows:

1. No portion of any accessory structure (except mailboxes, newspaper boxes, walls, fences, birdhouses, flag poles, pump houses, bus shelters and doghouses) shall be located within any front yard on lots less than one acre in area. Mailboxes, newspaper boxes, walls, fences, birdhouses, flag poles, pump houses, and doghouses may be located in any front, side or rear yard. Bus shelters may be located in any required front yard setback. **On lots of one acre in area or greater, accessory structures may be located in the front yard, a minimum of 150 feet from the edge of the street right-of-way line.** Swimming pools, pumps, filters and pool water disinfection equipment installations shall not be located in any front yard, irrespective of lot size.

7. **On any lot one acre or less in area containing a principal residential use, the number of accessory structures (other than a carport or garage) shall be limited to two. On any lot greater than one acre in area containing a principal residential use, the number of accessory structures (other than a carport or garage) shall be limited to three.**

8. Exceptions to the setback requirements above may be made per subsection 5.15.1 (B) of this ordinance.

New Hanover County:

New Hanover County allows them in front of a home as long as it meets the same setback/yard requirement as the house has to meet.

The most practical application of this is a street that backs up to the waterway; the owners want to push their homes back towards the water therefore the garages end up in front of the homes.

Durham County:

Durham requires detached accessory structures (all kinds) to be in the back yard of the lot unless they are zoned RR or RS-20 and are two acres or more. Then the detached accessory structure can be to the side or the front of the dwelling but must be out of the required setbacks.

Lincoln County:

(A) Within any Residential (R) District, accessory structures shall be located as follows.

(1) Except as herein provided, no portion of any accessory structure shall be located within any front yard. Exceptions are:

(a) Water wells on any lot; and

(b) **Garages used primarily to house automobiles.**

(2) Water wells may be located in any front, side or rear yard.

(3) **Automobile garages designed to accommodate no greater than three automobiles may be located in any front yard other than in the required front setback.**

Any garage shall also observe the minimum dwelling side setback requirement for the zoning district in which it is located.

(4) Accessory structures are allowed in any side yard, provided they observe a setback of ten foot side yard from any side yard lot line.

(5) Accessory structures are allowed in any rear yard provided that all accessory structures observe a ten foot setback from any rear lot line.

COUNTY OF CLEVELAND, NORTH CAROLINA

AGENDA ITEM SUMMARY

Case 18-10 Cell Tower Text Amendment

Department:

Agenda Title: Case 18-10: Cell Tower Text Amendment Discussion

Agenda Summary:

Proposed Action:

ATTACHMENTS:

File Name	Description
<input type="checkbox"/> Working_Cell_Tower_Document_October_23__2018.pdf	Working Cell Tower Document

OBJECTIVES:

- (Land Use Plan Strategy C-B7) Strengthen the zoning regulations pertaining to the location of telecommunication towers.
- Plan for and regulate the siting or modification of wireless support structures and wireless facilities in accordance with NCGS Article 18 of Chapter 153A, Part 3B. Wireless Telecommunications Facilities.
- Land use, public safety, and zoning considerations include aesthetics, landscaping, land-use based location priorities, structural design, setbacks, and fall zones.
- Encourage colocation of antennas.

PROPOSED TEXT AMENDMENT**ARTICLE II. GENERAL DEFINITIONS****Sec. 12-21. Definitions of basic terms.**

Alternative Support Structure: A new or existing structure, excluding monopoles, lattice towers, or guyed towers, that is designed to support or capable of supporting wireless facilities. A utility pole is not an alternative support structure.

Antenna: Communications equipment that transmits and/or receives electromagnetic radio signals used in the provision of all types of wireless communication services

Colocation: The placement or installation of wireless facilities on existing wireless structures and/or locations including electrical transmission towers, water towers, buildings, and other structures capable of structurally supporting the attachment of wireless facilities in compliance with applicable codes.

Eligible Facilities Request: A request for modification of an existing wireless tower or base station that involves colocation 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 fall in the event of a structural failure, as measured by engineering standards.

Search Ring: The area within which a wireless support facility 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.

Substantial Modification: The mounting of a proposed wireless facility on a wireless support structure that substantially changes the physical dimensions of the support structure and requires consultant review. A mounting is presumed to be a substantial modification if it meets any one or more of the criteria listed below.

1. Increasing the existing vertical height of the structure by the greater of more than ten percent (10%) of the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet.
2. Except where necessary to shelter the antenna from inclement weather or to connect 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 more than twenty (20) feet or the width of the wireless support structure at the level of appurtenance.
3. Increasing the square footage of the existing equipment compound by more than 2,500 square feet.

The burden is on the local government to demonstrate that a change not listed above constitutes a substantial change to the physical dimensions of the wireless support structure.

Third-Party Consultant: A professional engineer who provides expert advice or services professionally.

Utility Pole: A structure that is designed for and used to carry lines, cables, or wires for telephone, cable television, or electricity, or to provide lighting.

Water Tower: A water storage tank, a standpipe, or an elevated tank situated on a support structure originally constructed for use as a reservoir or facility to store or deliver water.

Wireless 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 153A-349.51(9).

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. A utility pole is not a wireless support structure. (2007-S26, s. 2; 2013-185, s. 2.)

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 Support Structures	51721	C	C	C	C	Z	Z	C	Z	Z
Substantial Modifications of Wireless Support Structure	6000	Z	Z	Z	Z	Z	Z	Z	Z	Z
Eligible Facilities Request	6000	Z	Z	Z	Z	Z	Z	Z	Z	Z

ARTICLE IX. DEVELOPMENT STANDARDS

Sec. 12-159 Wireless Facilities Support Structure.

The following application procedures and standards shall apply to wireless facilities and wireless support structures:

A. Application Procedures:

1. Zoning Permit or Conditional Use Permit (reference sec. 12-124)
2. All applications for the placement or construction of a new wireless support structure or substantial modification of a wireless support structure will be reviewed for the following:
 - a. Applicable public safety, land use, or zoning regulations, including aesthetics, landscaping, land-use based location priorities, structural design, setbacks, and fall zones.
 - b. Evidence is to be provided by the applicant:
 1. 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, or
2. That, where applicable, historic, and designated scenic areas cannot be served from outside the area.
 - c. Applicants for new wireless facilities shall evaluate the reasonable feasibility of collocating new antennas and equipment on an existing wireless support structure or structures within the applicant's search ring of not less than one and one half (1.5) miles. The applicant shall include with the application sufficient information to determine whether collocation on existing wireless support structures is reasonably feasible.
3. Third-Party Consultation and Review:
 - a. The County will engage the services of a third-party consultant for technical consultation and review of all applications for new wireless support structures and substantial modifications that are located within a one and a half (1.5) mile radius of an existing tower.
 - b. The applicant shall pay a review fee. The fee for a third-party consultant shall be paid prior to review and is listed in the Cleveland County fee schedule.
 - c. The results of the consultant review will be considered in the County's decision to approve or deny the application.
 4. Eligible Facilities Request: Applications for an eligible facilities request not deemed to be a substantial modification shall receive written "by right" approval from the Planning Director if there is found to be sufficient evidence provided by the applicant to show that the proposed eligible facilities request will comply with this Chapter and federal, State, and local safety, land use, and zoning requirements.
 5. Colocation Request: Applications for collocation not deemed to be a substantial modification shall receive written "by right" approval from the Planning Director if there is found to be sufficient evidence provided by the applicant to show that the proposed collocation request will comply with this Chapter and federal, State, and local safety, land use, and zoning requirements.
- B. Site Plan (reference Sec. 12-33).
1. The site plan does not require a boundary survey as described in section 12-33(a)(1).
 2. In addition to the requirements of Article III Sec.12-33 (a), the site plan and accompanying documents shall include the following:
 - a. All setbacks, fall zones, the equipment compound area, location and use of structures on adjacent properties, elevation view of the wireless support structure and the wireless facilities showing the location of the proposed antennas, structure type (e.g. monopole, guyed, etc.) and height, antenna type (e.g. panel, stick, dish, etc.) and antenna height.
 - b. Measurement of a wireless support structure height for the purpose of determining compliance with the requirements of this Chapter shall include the support structure, foundation, and any facilities attached thereto which extend above the top of the support structure.
 - c. The site plan must be signed and sealed by a qualified professional engineer licensed in the State of North Carolina, along with certification by a qualified structural engineer licensed in the State of North Carolina that the structural design of the wireless support structure and wireless facilities meet the applicable structural standards required for the use or uses proposed.
- C. Design and Appearance:
- The requirements for siting, design and construction of all wireless support structures and wireless facilities regulated by this Chapter shall include the following:
1. Wireless support structures shall maintain a galvanized steel finish unless required to be painted in accordance with FAA guidelines. Antennas shall be of a neutral, non-reflective

color with no logos. Under certain circumstances, the County may request that the wireless support structure and ancillary equipment be painted in order to conform the structure and facilities to the surrounding environment and architecture.

2. The design of wireless support structures and wireless facilities shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the telecommunications facilities with the natural setting and the built environment.
3. Antennas and ancillary equipment installed on an adapted support structure shall be of a color that is identical to, or closely compatible with, the color of the structure so as to make the antenna and related equipment as visually unobtrusive as possible.
4. Wireless support structures, antennas and ancillary equipment installed on the structures shall not be artificially lighted, unless required by the FAA or other regulatory authority. If lighting is required, the County may require the applicant to install special design lighting systems, such as red strobes, to minimize the visual impacts on surrounding properties.
5. No advertising of any type may be placed on the antenna support structure or other components comprising the wireless support structure or facility.
6. A sign displaying the facility owner's name, address, FCC antenna support registration number and emergency contact phone number shall be posted. The sign shall not exceed four (4) square feet in size and shall be located on the security fence or other approved location.
7. Signs pursuant to FCC regulations shall be posted at wireless support structures and facilities.

D. 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 percent (150%) of the height, from any habitable structure.

E. Securing of Telecommunications Facilities:

1. Wireless telecommunications facilities, support structures, and ground-mounted accessory equipment shall be enclosed by security fencing not less than six (6) feet in height and shall also be equipped with an appropriate anti-climbing device unless determined by the County not to be warranted.
2. If a wireless facility is mounted on an alternative support structure, the security fencing shall not be required unless the County determines that its safety requirements are not met without it.
3. Monopoles and other single-pole structures, standing alone, shall be secured by anti-climbing devices.

F. Screening:

1. The Board of Adjustment may require screening around the perimeter of the site's equipment compound in accordance with Article XV – Screening and Trees as a condition of the Conditional Use Permit.
2. Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible.

G. Structural Requirements:

1. Prior to the use of any new support structure or facility, or substantially modified existing support structure or facility, the applicant shall provide an "as built" certification by a qualified structural professional engineer licensed in the State of North Carolina of the structural integrity of the wireless support structure and wireless facilities and that they meet the applicable structural standards required for the use or uses approved.
2. Owners of wireless telecommunications support structures and wireless facilities shall maintain said facilities such that they are in compliance with structural standards contained in applicable federal, state and local building codes and structural regulations.

H. Federal and State Requirements:

1. Prior to construction of new wireless support structures and facilities, the applicant shall supply evidence to the Planning Director that appropriate approvals have been obtained and notifications have been made pursuant to applicable federal requirements for building a new tower or collocating an antenna on an existing structure. At a minimum, these shall include:
 - a. Compliance with the National Environmental Policy Act (NEPA);
 - b. Compliance with the National Historic Preservation Act (NHPA);
 - c. Notification(s) to the Federal Aviation Administration (FAA) and, if applicable, an FAA Navigation Hazard Report; and
 - d. Notification(s) to the Federal Communications Commission (FCC)
2. Prior to construction of a new wireless support structure and associated wireless facilities, documentation of an approved Antenna Structure Registration (ASR) with the FCC, if applicable, shall be submitted to the Planning Director. The initial Conditional Use or Zoning Permit shall not be denied based on such documentation.
3. Once constructed or modified, all wireless support structures and wireless facilities shall meet or exceed all applicable federal and state standards and regulations set forth by the FCC, FAA, and other federal and state agencies with the authority to regulate such facilities. If such standards and regulations are changed, then the owners and operators of the wireless support structures and facilities shall bring such wireless support structures and wireless facilities into compliance as required.

I. Construction and Operation

1. Approved and permitted towers must be constructed and in operation within twenty-four (24) months after issuance of a Zoning or Conditional Use Permit.
 - a. Operation is defined as having at least one carrier using the tower to provide wireless services to the surrounding area.
 - b. Should the tower fail to be in operation within twenty-four (24) months, the tower owner will be responsible for decommissioning the tower according to Section K below.

J. Change of ownership / operation and reporting:

1. Owners and licensee operators of wireless support structures shall notify the Planning Director in writing of any change in ownership or licensee operator within forty-five (45) days of such action.
2. All companies owning and/or operating wireless support structures and wireless facilities in the County shall submit by February 1 of each year an inventory of their wireless support structures and wireless facilities identifying the following:
 - a. The structure location (latitude and longitude), street address, structure type (e.g. lattice, monopole, guyed, etc.).
 - b. Structure height and FCC antenna support registration number.
 - c. Each antenna located on the structure by owner and/or operator, antenna type (e.g. panel, stick, dish, etc.) and antenna height (centerline elevation).

K. Decommissioning 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 Permit, Zoning Permit, or below in section 12-159F(2-4).
2. If the tower has been out of operation for a period of twelve (12) continuous months, the owner shall remove the structure and all equipment within six (6) months.
3. If after the allotted time the tower and all equipment has not been removed, 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.
4. 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.

L. 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.