

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

November 26, 2019

6:00 PM

Commissioners Chamber

Call to order and Establishment of a Quorum

Invocation and Pledge of Allegiance

Approval of Minutes

Minutes from the September 24, 2019 Planning Board Meeting

Items

Case 18-10: Text Amendment for Cell Towers

Case 19-13: Text Amendment for Recreational Vehicle Parks

Miscellaneous Business

Adjournment

COUNTY OF CLEVELAND, NORTH CAROLINA

AGENDA ITEM SUMMARY

Minutes

Department:

Agenda Title: Minutes from the September 24, 2019 Planning Board Meeting

Agenda Summary:

Proposed Action:

ATTACHMENTS:

File Name	Description
<input type="checkbox"/> 9-24-19_PB_Minutes.pdf	Minutes



PLANNING BOARD

Cleveland County Administrative Building – Commission Chambers

311 E. Marion Street, Shelby, NC

September 24, 2019 - 6:00 p.m.

Present:

Max Hopper, Chairman

Tom Spurling, Vice-Chairman

Darryl Crawford

Susan Scruggs

Eddie Kee

Lucas Shires

Charles Christenbury

Absent:

Others Present

Chris Martin, Senior Planner

Henry Earle, Planner

Anna Parker, Administrative Assist.

CALL TO ORDER AND ESTABLISH QUORUM

Chairman Hopper called the meeting to order at 6:00 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 and NC State Pledge.

APPROVAL OF THE JULY 23, 2019 MINUTES

Tom Spurling made a motion to approve the July 23, 2019 minutes. It was seconded by Charles Christenbury and unanimously carried.

CASE 19-11: RE-ZONING HI TO LI FOR 110 LAHRMER LN. IN MOORESBORO

Chris Martin stated the property is currently owned by Boone Saw Mill. This petition is for the portion of the property in the town limits of Mooresboro. It is on Hwy. 74, but the only access to the property is on Lahrmer Ln., off of Business 74. No industrial site was ever built on this property. The area is rural with mixed use. The area outside the town limits is listed as future industrial on the County Future Land Use Map.

Chairman Hopper asked about the difference between heavy and light industrial zoning. Mr. Martin said heavy industrial is higher impact- more traffic, sound, smell, exhaust, etc. This request will revert the property back to its original zoning.

Eddie Kee made a motion to recommend approval of the re-zoning to the Mooresboro Town Council. Susan Scruggs seconded the motion and it unanimously carried.

CASE 19-06: TEXT AMENDMENT FOR CARPORTS AND GARAGES

Chris Martin said this latest draft version has a minimum two-acre lot size. Susan Scruggs and Lucas Shires like the lot size minimum. Mr. Martin said this is for carports and garages only- not

workshops or storage buildings. Darryl Crawford pointed out there are no means to police the usage. It would be based on complaints, or if someone wants to get new electrical service.

Mr. Martin said this version says the building must be 50 feet from the house. The intent of this is to keep the use of these structures for parking. Chairman Hopper asked about setting the setback to 150 feet from the road right-of-way instead, instead of following the residential setbacks. This will exclude small lots automatically instead of setting an acreage limit. If properties have their own subdivision rules, they would be recorded at the Register of Deeds office. Charles Christenbury suggested adding “and” between the requirements so it is known *all* the requirements must be met. Lucas Shires said the intent is to regulate the appearance from the street, not the lot size. Tom Spurling said it is a good idea when there is a sufficient setback. Darryl Crawford suggested adding a 100 foot setback from the street right-of-way and eliminating #2 and #5.

Darryl Crawford made a motion to strike number two and number five, and add a 100 foot setback to number three. Mr. Earle pointed out the other property line setbacks would need to be added back in in this scenario. Mr. Crawford amended his motion to 100 foot setbacks from the front property line and ten feet from the side property lines. Charles Christenbury seconded the motion. It passed in favor of five and two against.

MISCELLANEOUS BUSINESS

There was no miscellaneous business for review.

ADJOURNMENT

There being no further business, **Chairman Hopper** adjourned the meeting at 7:09 pm.

ATTEST:

Max Hopper, Chairman

Anna Parker, Administrative Assistant

COUNTY OF CLEVELAND, NORTH CAROLINA

AGENDA ITEM SUMMARY

Case 18-10

Department:

Agenda Title: Case 18-10: Text Amendment for Cell Towers

Agenda Summary:

Proposed Action:

ATTACHMENTS:

File Name	Description
<input type="checkbox"/> 18-10_Staff_Report_November_2019.pdf	Staff Report
<input type="checkbox"/> Working_Cell_Tower_Document_November_7_2019.pdf	Cell Tower Working Text

STAFF REPORT

To: Cleveland County Board of Commissioners

Date: November 22, 2019

From: Chris Martin, Senior Planner

Subject: Text Amendment Case 18-10 - Cell Towers

Summary Statement: The Cleveland County Board of Commissioners has asked the Planning Board to submit standards and regulations to guide the development of future telecommunication towers in the County.

Review: At their May 1, 2018 regular meeting, the Board of Commissioners formally asked staff and the Planning Board to begin crafting an ordinance to regulate the development of telecommunication towers in Cleveland County. 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. The Cleveland County Land Use Plan encourages stronger zoning regulations pertaining to the location of telecommunication towers, per Strategy C-B7.

North Carolina General Statutes allow counties to have reasonable standards. The Planning Board has developed a draft tower ordinance, allowing towers in all zoning districts with either a conditional use permit or a zoning permit. It also applied standards such as property line setbacks and decommissioning requirements. This draft ordinance would comply with the Land Use Plan.

Pros:

- This amendment will create standards for cell tower development, including decommissioning and ensuring compliance with all applicable state and federal guidelines.
- By requiring a Conditional Use Permit, this amendment requires the Board of Adjustment to approve requests for towers in residential areas.
- Reduces rezoning requests for tower placement.

Cons:

- Increased staff and Board of Adjustment time dedicated to Cell Towers.

Fiscal Impact:

- None

Recommendations:

- Planning Board:

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 160D, Article 9, Section 3, 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.

Habitable Structure: any building or other structure used for lodging or assembling persons or conducting business.

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%) or 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 160D-9.31(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 Structures.

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 for each tower reviewed within the one and a half mile radius. 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
1. The site plan shall require a boundary survey, signed and sealed by a professional surveyor, licensed in the state of North Carolina, for a Conditional Use Permit or Zoning Permit, as described in section 12-33(a)(1), and the 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 professional 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 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.
3. Any required screening shall be maintained as approved by the permit issuing authority.

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 documentation to the Planning Director that appropriate federal and state approvals have been obtained and notifications have been made pursuant to applicable federal and state requirements for building a new tower or making substantial modifications to an antenna on an existing structure. At a minimum, these shall include:
 - a. Notification(s) to the National Federal Communications Commission (FCC) compliant with the Commission's rules for environmental review including;
 1. Compliance with the National Environmental Policy Act (NEPA);
 2. Compliance with the Endangered Species Act (ESA);
 3. Compliance with the National Historic Preservation Act (NHPA);
 4. Compliance with ANSI/TIA 222-G Standards for weather related phenomenon.
 - b. If applicable, an approved Antenna Structure Registration (ASR) with the FCC.
 - c. Notification(s) to the Federal Aviation Administration (FAA) and, if applicable, an FAA Navigation Hazard Report.
2. The initial Conditional Use or Zoning Permit shall not be denied based on documentation required above.
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 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 materialmen's 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.

COUNTY OF CLEVELAND, NORTH CAROLINA

AGENDA ITEM SUMMARY

Case 19-13 RV Parks

Department:

Agenda Title: Case 19-13: Text Amendment for Recreational Vehicle Parks

Agenda Summary:

Proposed Action:

ATTACHMENTS:

File Name	Description
<input type="checkbox"/> 19-13_Staff_Report.pdf	Staff Report
<input type="checkbox"/> RV_Park_Standards_from_other_counties.pdf	Standards from other counties



STAFF REPORT

To: The Cleveland County Planning Board

From: Chris Martin, Senior Planner

Date: November 22, 2019

Subject: Case 19-13 Recreational Vehicles

Summary Statement: The Cleveland County Board of Commissioners has asked the Planning Board to create standards for Recreational Vehicle (RV) Parks that can be added to the Cleveland County Unified Development Ordinance.

Review: RV Parks are currently allowed by Conditional Use Permit in the RA and R districts and with a zoning permit in the GB district and CP overlay. However, there are currently no standards in place to ensure for the orderly development of said RV parks. In 2019 the Board of Adjustment heard four cases for RV parks and one other park was granted a zoning permit. Standards such as setbacks, density and screening would go a long way in creating aesthetically pleasing development moving forward.

Pros

- Regulations would ensure RV parks are being built to a required standard
- Planning office would have recourse if parks fell into disrepair below standard

Cons

- None

RV Park Standards

Minimum Lot Size:

County	Minimum Lot Size
Catawba	Five (5) acres
Gaston	None listed
Rutherford	None listed
Yadkin	Ten (10) acres

Setbacks:

County	Setbacks
Catawba	100' from all exterior lines
Gaston	100' from all exterior lines not owned by developer
Rutherford	20' from all property lines
Yadkin	50' from front, 10' from sides, and 20' from rear

Density:

County	Density
Catawba	1500 square feet per site
Gaston	15 per acre
Rutherford	2000 square feet per site
Yadkin	1200 square feet per site

Screening:

County	Screening
Catawba	None listed
Gaston	2' earth berm, shrubs planted at 30" apart, reaching height of 72" within four years.
Rutherford	None listed
Yadkin	Screening to eight feet height