

**TOWN OF ZEBULON
JOINT PUBLIC HEARING AGENDA
BOARD OF COMMISSIONERS AND PLANNING BOARD
November 13, 2018
7:00pm**

I. CALL TO ORDER

II. PUBLIC HEARING

A. ZA 2019-01 - §152.1465 Wireless Telecommunications Facilities. An amendment to update and replace the existing Wireless Telecommunications Facilities ordinance.

III. ADJOURNMENT



STAFF REPORT
ZA 2019-01
WIRELESS TELECOMMUNICATIONS FACILITIES
JOINT PUBLIC HEARING - NOVEMBER 13, 2018

Topic: Wireless Telecommunications Facilities Text Amendment (ZA 2019-01)

Introduction: Mark Hetrick, Planning Director
Speaker: Chad Meadows, AICP – CodeWright Planners, LLC
From: Mark Hetrick, Planning Director
Prepared by: Mark Hetrick, Planning Director
Chad Meadows, AICP – CodeWright Planners, LLC

Executive Summary:

The Planning Board and Board of Commissioners will consider an amendment to update and replace the existing Wireless Telecommunications Facilities ordinance (§152.1465).

Background:

Recent changes in State law pertaining to telecommunication facilities have resulted in the proposed ordinance changes. The proposed standards are prepared in accordance with national best practices and seek to create more clarity for applicants and Town officials.

Policy Analysis:

These draft regulations propose the following changes from the current regulations:

- The standards recognize 5 different types of wireless telecommunications facilities: new towers, concealed towers, collocations (major or minor), small wireless facilities, and temporary wireless facilities.
- The new standards include a series of detailed purpose and intent provisions that describe the desire to minimize new telecommunications towers (in favor of collocation or small facilities) and encourage wireless telecommunications facilities to be provided in nonresidential areas.
- There are several new definitions added that are based on recent statutory changes.
- There are new applicability provisions that clarify those forms of wireless facilities that have been exempted from local control by the state or federal government.
- The 2,500-foot separation distance between an existing and new tower is not carried forward as this approach can lead to a higher number of telecommunications towers.
- The maximum height for new towers has been increased from 195 feet to 200 feet in accordance with the FAA standards for obstruction marking.
- New towers are required to accommodate collocation of more than two other users, based on the tower's height.
- There are new standards for concealed towers (including towers shorter than 30 feet in height) that allow concealed towers in more districts than non-concealed towers.
- The fall zone easement concept included in the current standards has been revised to require setbacks from all lot lines a minimum distance equivalent to the overall height of the wireless telecommunications facility.



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- Submittal requirements for applications have been removed (for inclusion in a separate handbook).
- Screening requirements for ground-based equipment have been expanded, and chain-link fencing has been added to the list of items that must be screened.
- The standards differentiate between major and minor collocations – minor collocations have been added in recognition of recent statutory changes exempting “eligible facilities” from strenuous regulation, and allowing activities such as tower height increase and tower replacement.
- The standards include provision to address “substantial modifications” (as defined in the NCGS) when associated with a collocation.
- There are new standards applied to all wireless telecommunications facilities, as well as standards applicable to each of the five different types of wireless telecommunications facilities.
- The individual wireless telecommunication facility standards are provided in tabular form, and include example images.
- There are new standards describing the provisions for nonconforming wireless telecommunications facilities.
- There are new provisions, based on changes to the Statutes, that allow the Town to compel abandoned facilities to be removed.

Discussion:

The discussion before the Board is whether amending the Telecommunication Towers standards in Section 152.1465 meet the changes suggested for greater compliance with recent State law changes, as detailed above and provided in the draft standards.

Staff Recommendation:

Staff recommends approval of the amendment to update and replace the existing Telecommunication Towers ordinance with the draft Wireless Telecommunications Facilities (§152.1465) ordinance.

Attachments:

1. Current Ordinance - *§152.1465 Telecommunication Towers*
2. Draft Ordinance - *§152.1465 Wireless Telecommunications Facilities*
3. Notice of Public Hearing

Attachment 1

ZA 2019-01

CURRENT Ordinance

§152.1465 Telecommunication Towers

Attachment A: CURRENT ORDINANCE

§152.1465 TELECOMMUNICATION TOWERS.

The siting, height, setbacks, landscaping, use, maintenance and disassembly of telecommunication towers must conform to the following regulations.

(A) *Zoning districts.* Telecommunication towers shall be permitted only with the issuance of a special use permit in R-20, Residential; R-40W, Residential Watershed; R-80W, Residential Watershed; IH, Heavy Industrial; and IL, Light Industrial zoning districts.

(B) *Co-location.* It is the stated policy of this section to minimize the number of towers and to encourage the co-location of antenna arrays of more than one wireless communication service provider on a single support structure.

(1) Antennae or arrays may be attached to an existing tower support structure that is in compliance with all applicable zoning regulations, as long as the height of the tower is not increased and structural integrity of the tower is not compromised.

(2) No new telecommunication tower may be constructed within a 2,500-foot radius of an existing tower, unless it can be demonstrated to the satisfaction of the Planning Director that the existing support tower is not available for co-location of an additional service provider, or that its specific location does not satisfy the operational requirement of the applicant.

(3) All new towers shall be structurally designed to accommodate the applicant's communications equipment as well as comparable communications equipment for at least two other users.

(4) Arrays may be mounted or attached to any existing structure (such as water towers, steeples, or electric transmission towers) provided that the owner of the structure is in agreement.

(5) Existing non-conforming towers may only be expanded to allow co-location of additional service providers. No existing non-conforming tower may be expanded or enlarged for any other reason.

(C) *Maximum height and type.* Only monopole type telecommunication towers may be constructed within the town's planning jurisdiction. Towers may not exceed 195 feet in height.

(D) *Fall zone required.* The single parcel, or assemblage of parcels under common ownership, of land proposed as a potential tower site shall be of sufficient size to accommodate a fall zone easement of not less than a circle centered upon the proposed tower with a radius equal to the setback distances described below (the "Fall Zone Easement"). Preserving such an easement shall be a required condition of any special use permit issued in accordance with site approval. No other structures shall be within the Fall Zone Easement. Excluded from this requirement are the necessary

equipment shelters, cabinets, or other on-the-ground ancillary equipment that shall meet the setback requirements of the zone in which it is located.

(1) In IH and IL zoning districts, the radius of the circle containing the fall zone easement must be 100% of the tower height measured from ground level to the highest point on the tower structure or appurtenance.

(2) In R-20, R-40W and R-80W zoning districts, the radius of the circle containing the fall zone easement must be 125% of the tower height measured from ground level to the highest point on the tower structure or appurtenance.

(E) *Special use permit application for siting and construction.* Any applicant for the placement of a new telecommunications tower support structure must submit an application package to the Planning Department containing at least the following information:

- (1) A copy of the survey of the property or leased area (if applicable);
- (2) Copies of any necessary access easements and/or lease agreements between the property owner and the service provider. This agreement must include a statement of responsibility for tower removal. (See division (H) below for additional information on abandonment);
- (3) Written statements assuring the site complies with:
 - (a) All applicable Federal Communications Commission (FCC) regulations; and
 - (b) All applicable Federal Aviation Administration (FAA) regulations;
- (4) The identity of the owner of the property, including full name, address and telephone number;
- (5) The identity of the owner of the telecommunication tower, including full name, address and telephone number;
- (6) Precise drawings, in plan and cross-sectional view, of all proposed structural components of the tower;
- (7) A vicinity map drawn to sufficient scale depicting: all adjacent properties, structures and rights-of-way; the fall-line easement; zoning district boundaries; site access; on-site and adjacent land uses to a radius of 2,500 feet from the base of the tower;
- (8) A landscape plan drawn to sufficient scale to show specific location and species of vegetation. Based upon existing conditions and tower placement, this requirement may be waived by the Board of Commissioners; and
- (9) Any other information the Planning Director deems necessary to render a decision.

(F) *Specific requirements regarding construction and use.*

(1) Installation and use of wireless communication antenna arrays shall conform to the standards as are required by the FCC and the radio frequency (RF) exposure guidelines issued by the American National Standards Institute (ANSI);

(2) Any and all proposed telecommunication transmissions shall not interfere with any existing telecommunication facilities or the town's communication equipment;

(3) Towers shall not be artificially illuminated unless required by the FAA or other governmental regulation. Ground level security lighting is permitted, if it is kept less than 20 feet in height and designed to minimize its effect on adjacent properties.

(4) Signs posted on a tower:

(a) Shall only be for cautionary or advisory purposes; and

(b) May not be posted higher than 15 feet;

(5) The perimeter of the tower area shall be landscaped with a buffer of plant materials that effectively screens the view of the tower base. This standard buffer shall consist of a strip at least five feet wide outside the perimeter of the tower area. Based upon existing conditions and tower placement, this requirement may be waived by the Board of Commissioners.

(G) *Maintenance and alteration.* Minor modifications to existing towers, whether emergency or routine, are permitted, provided there is no remarkably significant change in the visual appearance of the facility. Also permitted, with a building permit, is the addition of transmission/reception devices of other service providers, provided the alteration does not:

(1) Result in substantial changes to the existing support structure; and

(2) Increase the height of the tower.

(H) *Abandonment and disassembly.*

(1) A telecommunication tower shall be considered abandoned if:

(a) It falls into obvious disrepair; or

(b) A reasonable attempt is made by the Planning Director to contact the applicant and/or owner of the tower, and no contact can be established.

(2) Once a telecommunication tower is deemed abandoned, the owner of the property and/or the owner of the tower are responsible for its removal. Removal of the tower must occur within 180 days of the determination of abandonment.

(1985 Code, § 152.1465) (Ord. 2015-14, passed 2-2-2015)

Attachment 2

ZA 2019-01

DRAFT Ordinance

§152.1465 Wireless Telecommunications
Facilities

Attachment B: DRAFT ORDINANCE

152.1465 WIRELESS TELECOMMUNICATIONS FACILITIES

A. Purpose and Intent¹

This section establishes general standards for the siting of wireless telecommunications facilities that will provide for the public health, safety, and welfare. The standards are intended to ensure that residents, businesses, and public safety operations in the Town have reliable access to wireless telecommunications services. More specifically, the provisions of this section are intended to:

1. Ensure adequate protection of residential areas and uses from potential adverse impacts of wireless telecommunications facilities, and to generally encourage the location of these facilities in areas where adverse impact on the community is minimal;
2. Encourage the placement of wireless telecommunications facilities in non-residential areas;
3. Minimize the number of new telecommunications towers in the Town;
4. Create conditions where wireless telecommunications service providers are able to provide wireless telecommunications services effectively and efficiently in accordance with state and federal law;
5. Strongly encourage the joint use or collocation of new and existing wireless telecommunications facilities so as to minimize the number of new telecommunications towers throughout the Town;
6. Establish collocation and concealed towers as the preferred options for the accommodation of wireless telecommunications equipment; and
7. Ensure that wireless telecommunications facilities located within the public right of way do not obstruct sight distance triangles or create safety hazards for pedestrians or bicyclists.

B. Definitions²

The following definitions apply to these wireless telecommunications facility standards. In the case of conflict between these terms and other definitions in this Ordinance, these terms shall control when applied to wireless telecommunications facilities.

1. Abandonment – Cessation of the use of a wireless telecommunications facility.
2. Antenna – Communications equipment that transmits and/or receives electromagnetic radio signals used in the provision of all types of wireless telecommunications services.
3. Antenna support structure – The frame, bracket, or other mechanical device, including mounting hardware such as bolts, screws, or other fasteners used to affix an antenna to a telecommunications tower, building, utility pole, or other vertical projection.
4. Applicable codes – The North Carolina State Building Code, this Ordinance, the Town Code of Ordinances, and any other uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization together with state or Town amendments to those codes.

¹ These are new purpose and intent provisions added for the Town's consideration.

² These definitions are taken from the North Carolina General Statutes and supplemented with additional terminology for the sake of clarity. The terms identified in defined in Session Law 2017-159 (House Bill 310) pertaining to small wireless facilities have not yet been codified in the official version of the statutes, and readers will need to obtain a copy of SL 2017-159 to see the official language adopted by the General Assembly.

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Wireless Telecommunication Facilities Ordinance 8.13.18 Draft

5. Building permit – An official administrative authorization issued by the Town prior to beginning construction consistent with the provisions of Section 160A-417 of the North Carolina General Statutes and this Ordinance.
6. Collocation – The placement, installation, modification, or replacement of antenna and related wireless telecommunications equipment on, under, or within an existing or replacement telecommunications tower, utility pole, building, or other vertical projection.
7. Collocation, Major – The placement, installation, modification, or replacement of antenna and related wireless telecommunications equipment on a building’s roof, on a building’s wall, on a vertical projection not constructed for the provision of wireless telecommunications services, or on a telecommunications tower where the collocation requires “substantial modifications” to the telecommunications tower, as defined in this Ordinance and Section 160A-400.51 of the North Carolina General Statutes.
8. Collocation, Minor - The placement, installation, modification, or replacement of antenna and related wireless telecommunications equipment on a telecommunications tower that does not require “substantial modifications” and that meets the definition of an “eligible facility request” as defined in this Ordinance and Section 160A-400.51 of the North Carolina General Statutes.
9. Distributed antenna system (DAS) node – Wireless telecommunications equipment that includes one or more antennas mounted on a support structure (such as a utility pole, building, or other vertical projection) which is connected via cable or wirelessly to an equipment cabinet on site that is joined via cable to the internet and/or other communication network. Applications for the establishment of a DAS node are reviewed and decided in accordance with the procedures for establishment of a small wireless facility.
10. Eligible facility request – An application for the installation of new or replacement antennas and related wireless telecommunications equipment on an existing telecommunications tower. An eligible facilities request may include increasing the height and/or replacement of an existing telecommunications tower but shall not include any activities that constitute a “substantial modification” as defined in this Ordinance and Section 160A-400.51 of the North Carolina General Statutes. Eligible facility requests are reviewed and decided in accordance with the procedures for a minor collocation.
11. Equipment compound – An area containing wireless telecommunications equipment serving antennas on a nearby telecommunications tower, utility pole, building, or other vertical projection. An equipment compound is commonly fenced or surrounding by walls that limit access to members of the general public. Nothing shall limit an equipment compound from being located within a building, on the roof of a building, or underground.
12. Equipment cabinet – A non-habitable structure, such as a box, enclosure, vault, shelter, or pedestal, typically located above ground, that contains radios, computers, or other equipment necessary for the transmission or reception of wireless telecommunication signals.
13. Maximum Extent Practicable – No feasible or practical alternative exists, as determined by the Town, and all possible efforts to comply with the standards have been undertaken by the applicant. Economic considerations may be taken into account but shall not be the only or the overriding factor in determining what constitutes the maximum extent practicable.
14. Micro-wireless facility – A wireless telecommunications facility that is no larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height and that may have up to one exterior antenna, no longer than 11 inches.

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15. Pre-construction grade – The finished ground level elevation prior to construction. In cases where there is significant change in elevation over the course of a lot or site, the median elevation of the lot or site may be used.
16. Public right-of-way – A right-of-way owned, leased, or operated by the Town, but not including any street or alley that is a part of the State highway system.
17. Routine maintenance – Simple, small-scale activities (usually requiring only minimal skills or training) associated with regular (daily, weekly, monthly, etc.), recurring, and preventative upkeep of a building, equipment, or machine against normal wear and tear. For the purposes of this section, routine maintenance includes cleaning, repair, and replacement of existing antennas, antenna support structures, wireless telecommunications equipment, equipment cabinets, equipment compounds, telecommunications towers, utility poles, or other vertical projections used to deliver wireless telecommunications services. Activities that result in larger, taller, more visible, more impactful, or additional wireless telecommunications equipment are not considered routine maintenance.
18. Small wireless facility – A wireless telecommunications facility consisting of an antenna and associated wireless telecommunications equipment installed on a utility pole, public utility pole, building, or other vertical projection not specifically intended for the accommodation of wireless telecommunications facilities (e.g., a traffic signal mast arm, a light standard, sign pole, etc.) that does not exceed the maximum size requirements for such facilities as listed in Section 160A-400.51 of the North Carolina General Statutes.
19. Substantial modification – The collocation of antenna and related wireless telecommunications equipment on an existing telecommunications tower that necessitates replacement of the existing tower, structural additions to the existing tower that increase its height or the length of protrusions from the tower, or increases in the size of the equipment compound by an amount specified in Section 160A-400.51 of the North Carolina General Statutes. Collocations requiring structural modifications are reviewed and decided in accordance with the procedures for a major collocation. Collocations involving changes to an existing telecommunications tower or equipment compound beyond those identified as “substantial modifications” in Section 160A-400.51 in the North Carolina General Statutes are reviewed and decided in accordance with the procedures for a major telecommunications tower.
20. Telecommunications tower – A vertical projection, typically comprised of steel, designed to support antenna and associated wireless telecommunications equipment for the purpose of sending and receiving wireless telecommunications signals. Utility poles or other vertical projections intended for a purpose other than provision of wireless telecommunications services are not considered to be telecommunications towers.
21. Telecommunications tower, concealed – A telecommunications tower and associated wireless telecommunications equipment that is integrated as an architectural feature into an existing structure (such as a steeple, bell tower, clock tower, silo, etc.), or that is designed to conceal the presence of the tower, antennas, and related wireless telecommunications equipment in a manner so that the purpose of the tower is obscured.
22. Telecommunications tower, major – The construction or installation of a new telecommunications tower with a height of 30 feet or more above the adjacent pre-construction grade and associated equipment, including the equipment compound, access, electrical service, and other related facilities.

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23. Telecommunications tower, minor – The construction or installation of a new telecommunications tower with a height of less than 30 feet above the adjacent pre-construction grade or that meets the definition of a concealed telecommunications tower.
24. Temporary wireless facility – A portable, self-contained wireless facility that provides wireless telecommunications services on a temporary or emergency basis. A temporary wireless facility may include a generator to provide power to the facility.
25. Utility pole – A structure that is designed for and used to carry cables, wires, lighting facilities, or small wireless facilities for telephone, cable television, electricity, lighting, or wireless telecommunication services that is located outside the public right-of-way.
26. Utility pole, public – A utility pole owned, leased, or operated by the Town that is located in the public right-of-way.
27. Wireless telecommunications equipment – Elements necessary for the function of a wireless telecommunications facility, including, but not limited to: equipment cabinets or racks, computers, wireless signal processors, telephone interfaces, GPS equipment, power supplies, batteries, climate control devices, cabling, cable mounting devices, ice shields or bridges, grounding systems, and similar features. Wireless telecommunications equipment does not include antennas or antenna support structures.
28. Wireless telecommunications facility – A facility dedicated to the broadcast and/or receiving of wireless telecommunications signals for the purpose of communication, public safety, or data transfer. Wireless telecommunications facilities consist of one or more antenna, cabling or other means to send to telecommunications signals to associated equipment, a support structure, and a dedicated power source. Wireless telecommunications facilities include the following: telecommunications towers (concealed, major, minor), collocations (major and minor), small wireless facilities, and temporary wireless facilities.
29. Wireless telecommunication services – Any services, using licensed or unlicensed wireless spectrum, including the use of telephone, data transmission, Wi-Fi, whether at a fixed location or mobile, provided to the public.

C. Applicability of these Standards

The standards in this section shall apply to all wireless telecommunications facilities except for the following, which are exempted from these standards but remain subject to all other applicable standards in this Ordinance:

1. Removal of antennas, antenna support structures, or wireless telecommunications equipment on an existing telecommunications tower, utility pole, vertical projection, or equipment compound that does not result in a substantial modification;
2. The operation of a small wireless facility solely within the interior of a structure, stadium, or athletic facility;
3. Routine maintenance on an existing wireless telecommunication facility;
4. Installation, modification, or operation of a micro-wireless facility, receive-only television antenna, or receive-only radio antenna for noncommercial use;
5. Installation, modification, or operation of FCC-licensed amateur (“ham”) radio equipment; and

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- Dish antenna or earth stations, which are subject to the standards in Section 152.1461 of this Ordinance.

D. Allowable Locations for Wireless Telecommunications Facilities³

Table 152.1465.D, Allowable Locations for Wireless Telecommunications Facilities, identifies the allowable locations and review procedures for the wireless telecommunications facilities subject to these standards.

- Cells with a “G” denote locations where a particular wireless telecommunications facility may be established, subject to approval of a general use permit and compliance with the applicable standards in this section.
- Cells with an “S” denote locations where a wireless telecommunications facility may be established, subject to approval of a special use permit and compliance with the applicable standards in this section.
- Blank cells (cells with a “•”) mean a particular type of wireless telecommunications facility is prohibited in that zoning district or location.
- Each wireless telecommunications facility shall comply with the General Standards Applicable to All Types of Wireless Telecommunications Facilities in Section 152.1465.E, as well as the standards applied to the particular type of wireless telecommunications facility in Section 152.1465.F, Standards for Specific Types of Wireless Telecommunications Facilities.

Table 152.1465.D: Allowable Locations for Wireless Telecommunications Facilities

Type of Wireless Telecommunications Facility	Zoning District or Location																			
	R-30/R-20	RMH-30/RMH-20	R-13	RMH-13	R-10	RMH-10	R-8	RMH-8	R-80W	R-40W	RMF	TR	MA	CB	GB	HB	IL	IH	Public Right-of-Way	Other Right of Way
Telecommunications Tower, Major	•	•	•	•	•	•	•	•	•	S	•	•	•	•	•	S	S	G	•	•
Telecommunications Tower, Minor (including concealed towers)	•	•	•	•	S	•	S	•	S	S	S	S	S	S	S	G	G	G	•	•
Collocation, Major	•	•	•	•	S	•	S	•	G	G	G	G	G	G	G	G	G	G	•	•
Collocation, Minor	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	•	•
Small Wireless Facility	S	S	S	S	S	S	S	S	S	S	G	G	G	G	G	G	G	G	G	S
Temporary Wireless Facility	•	•	•	•	•	•	•	•	•	•	•	S	S	S	G	G	G	G	•	•

³ This table is intended for inclusion in the table of permitted uses in Section 152.129 of the current ordinance. However, inclusion will require the addition of two columns in order to depict right-of-way locations. It is possible to exclude these two columns and simply add table notes, at the Town’s pleasure.



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Table 152.1465.D: Allowable Locations for Wireless Telecommunications Facilities

Type of Wireless Telecommunications Facility	Zoning District or Location																			
	R-30/R-20	RMH-30/RMH-20	R-13	RMH-13	R-10	RMH-10	R-8	RMH-8	R-80W	R-40W	RMF	TR	MA	CB	GB	HB	IL	IH	Public Right-of-Way	Other Right of Way
S = Special Use Permit Required; G = General Use Permit Required; “•” = Prohibited																				

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E. General Standards Applicable to All Types of Wireless Telecommunications Facilities⁴

The following requirements shall apply to all new wireless telecommunications facilities and any modifications to an existing wireless telecommunications facility that exceeds the scope of routine maintenance, as defined in this section.

1. **Building Permit Required**
Prior to installation or modification exceeding the scope of routine maintenance, all wireless telecommunications facilities shall receive a building permit in accordance with the requirements in this Ordinance.
2. **Compliance with Federal and State Regulations**
 - a. All wireless telecommunication facilities shall comply with or exceed current standards and regulations of the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC), and any other agency of the federal government that regulates telecommunications facilities.
 - b. In addition to federal requirements, all wireless telecommunication facilities shall comply with or exceed current standards and regulations of the State of North Carolina pertaining to wireless telecommunications facilities in Sections 160A-400.50 through 160A-400.57 in the North Carolina General Statutes.
3. **Interference**
No wireless telecommunication facility shall disturb, diminish, or interfere with public safety, radio, television, or other wireless communications signals, in accordance with FCC requirements.
4. **Structurally Sound**
All elements of a wireless telecommunication facility shall demonstrate, to the satisfaction of the Town, that the equipment and the structure supporting the equipment is structurally sound and can accommodate the proposed equipment and appurtenances.
5. **Sight Distance at Intersections**
All elements of a wireless telecommunication facility shall be located outside of, and shall in no way obstruct, required sight distances at street intersections. This requirement shall apply to existing streets as well as to future street intersections that have been designed or where right-of-way is currently being protected by the Town.
6. **Accessory Equipment**
 - a. Accessory equipment, including any buildings, cabinets, or shelters, shall be used only for the purposes of housing wireless telecommunications equipment and other supplies in direct support of the operation of the wireless telecommunications facility.
 - b. Any equipment or materials not used in direct support of such operation shall not be stored on the site.
 - c. When a generator is operated at a wireless telecommunication facility, it shall comply with the applicable standards in Chapter 97: Noise, of this Code of Ordinances.
7. **Site Grading**

⁴ These are largely new standards applied to all forms of wireless telecommunications facilities subject to this ordinance. They were placed in the section to avoid the need for repetition.

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Grading and vegetation removal for a wireless telecommunications facility shall be limited to the area necessary for the facility and any required accessory structures, including: stormwater management devices, access drives, or off-street parking.

8. Lighting
 - a. Lighting of a wireless telecommunications facility shall be limited to that required for compliance with FAA minimum standards.
 - b. Any lighting required by the FAA must be of the minimum intensity and number of flashes per minute (i.e., the longest duration between flashes) allowable by the FAA.
 - c. Nighttime strobing or flashing lights are prohibited, unless required by the FAA.
 - d. Lights serving equipment compounds or other service areas shall be configured so that the source of illumination is not visible from off-site areas.
 - e. All exterior lighting shall comply with the lighting regulations of this Ordinance, or the Design Manual, whichever is more strict.
9. Signage
 - a. Signage shall be limited to safety or informational signage identifying the party responsible for the operation and maintenance of the facility and any additional security or safety signs, as necessary in the opinion of the Town.
 - b. If the electrical service is in excess of 220 volts, the wireless telecommunications facility shall include signs located at least every twenty feet around the perimeter that display the words "HIGH VOLTAGE - DANGER" in bold, high contrast letters with minimum height of four inches for each letter.
 - c. No signage shall be posted higher than 15 feet above grade.
 - d. Signage required by this section shall be considered to be safety or governmental signage that is not subject to 1st Amendment protection regarding the regulation of sign content.
10. Unauthorized Access Prohibited

Telecommunications towers and vertical projections with wireless telecommunications equipment with a height of 30 feet above grade or more shall be designed or configured to prevent unauthorized persons from climbing on the wireless telecommunication facility whether through the use of walls or fencing with a minimum height of six feet above grade, or other anti-climbing devices.

F. Standards for Specific Types of Wireless Telecommunication Facilities⁵

The following standards shall apply to the identified type of wireless telecommunications facility, and shall apply in addition to the standards in Section 152.1465.E, General Standards Applicable to All Types of Wireless Telecommunications Facilities.

⁵ These are the standards for the individual types of wireless telecommunications facilities. This information is formatted as a table. It is unclear if the Town's current codification firm will be able to retain these tables after codification.

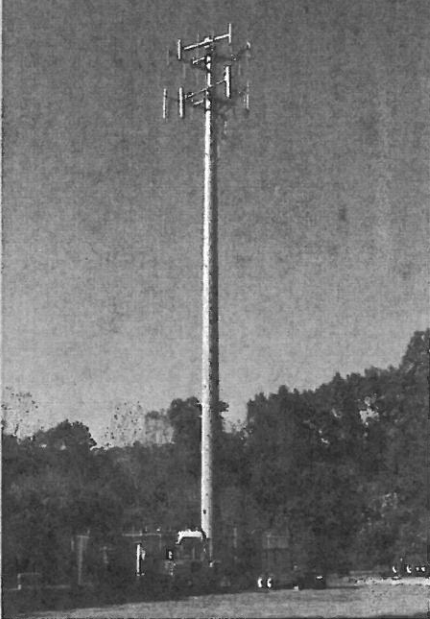

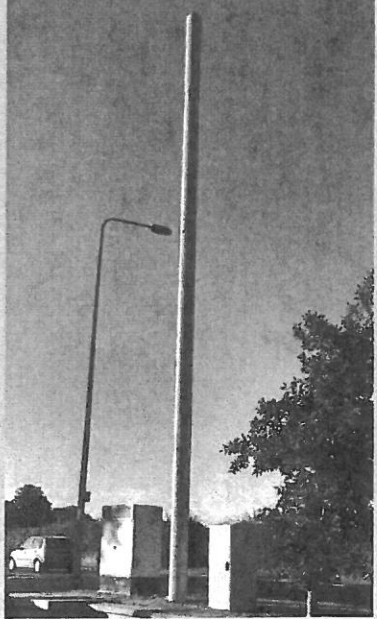
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1. Telecommunications Tower, Major		
New or replacement major telecommunications towers shall comply with the standards in Table 152.1465.D, Allowable Locations for Wireless Telecommunications Facilities, Section 152.1465.E, General Standards Applicable to All Types of Wireless Telecommunications Facilities, and the following standards:		
a.	Towers Distinguished	<ol style="list-style-type: none">i. A new or replacement telecommunications tower with a height of 30 feet or more above grade is a major telecommunications tower subject to these standards.ii. A new or replacement telecommunications tower with a height less than 30 feet above grade shall be considered a minor telecommunications tower and shall be subject to the standards for a concealed or minor telecommunications tower.
b.	Type of Structure	<ol style="list-style-type: none">i. Telecommunications towers shall be configured as a monopole or be concealed in accordance with Section 152.1465.F.2, Concealed or Minor Telecommunications Tower.ii. Construction of new guyed or self-supporting telecommunications tower configurations are prohibited.
c.	Setbacks	<ol style="list-style-type: none">i. Towers and their associated antennas shall be set back at least one foot from the front, side, and rear lot lines for each foot of overall wireless telecommunications facility height.ii. In cases where an existing telecommunication tower's height is increased or where an existing telecommunications tower is replaced in order to accommodate a major or minor collocation, the existing or replacement tower shall comply with the setback requirements in subsection (i) above, to the maximum extent practicable.iii. Accessory structures, including equipment cabinets, and other ground-based equipment shall conform with the applicable dimensional requirements for the zoning district where located.
d.	Maximum Height	<ol style="list-style-type: none">i. The maximum height (including antenna and other appurtenances) for any new, replaced, or collocated wireless telecommunication tower is 200 feet, as measured from the adjacent pre-construction grade to the top of the highest appurtenance on the tower.ii. In no instance shall the collocation of an eligible facility or a collocation that constitutes a substantial modification result in a telecommunication tower with a height that exceeds 200 feet above the adjacent pre-construction grade.iii. In cases where a telecommunications tower is mounted to or on top of a building, the overall height of the building and the attached tower shall not exceed 200 feet from the adjacent preconstruction grade. The adjacent pre-construction grade shall be the grade at the base of the building closest to the tower.
e.	Collocation Required	<ol style="list-style-type: none">i. Telecommunications towers shall be designed to accommodate the present and future needs of the owner and as well as the collocation of additional equipment, in accordance with the following standards:<ol style="list-style-type: none">(a) Towers of 30 to 80 feet in height shall be configured to accommodate the collocation of at least two wireless telecommunications service provider's equipment.(b) Towers of 81 to 130 feet in height shall be configured to accommodate the collocation of at least three wireless telecommunications service provider's equipment.(c) Towers of 131 feet in height or higher shall be configured to accommodate the collocation of at least four wireless telecommunications service provider's equipment.ii. In no instance shall an existing telecommunications tower be permitted to remain in place for a period of more than 14 days following installation of a replacement telecommunications tower constructed to accommodate a collocation.
f.	Color	Telecommunication towers shall either maintain a galvanized steel finish or be painted a neutral, matte color designed to blend with its surroundings, unless otherwise required by the FAA.

Attachment B: DRAFT ORDINANCE

Wireless Telecommunication Facilities Ordinance 8.13.18 Draft

1. Telecommunications Tower, Major		
g.	Screening	i. All ground-based elements, such as an equipment compound or equipment cabinets, shall be completely screened from off-site views through the use of a fully opaque wooden privacy fence, masonry wall, or two staggered rows of evergreen shrubs located around the perimeter of the ground-based elements. ii. Chain-link fencing is a ground-based element subject to these screening requirements. iii. Screening is not required in cases where ground-based equipment is not visible from off-site areas. iv. Landscaping material shall reach and maintain a minimum height of six feet above grade within four years of planting. v. Landscaping material is not required in front of access gates, provided the gates are fully opaque or are not visible from off-site areas.
h.	Off-Street Parking	i. A telecommunications tower shall provide at least one off-street parking space, paved with an all-weather surface, and configured to provide appropriate stormwater drainage. ii. Nothing shall prohibit the use of off-street parking associated with another principal use on site or an on-street parking space from meeting this requirement.
i.	Example Images	The following images depict potential monopole telecommunications tower configurations, and are provided for informational purposes only.
		
<p>Typical monopole with collocated antennae</p>	<p>Monopole with "birdcage" antenna mounts</p>	<p>"Mast" monopole configuration with integral antennae</p>

Attachment B: DRAFT ORDINANCE

Wireless Telecommunication Facilities Ordinance 8.13.18 Draft


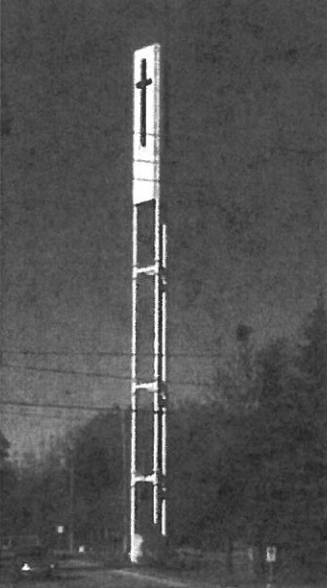

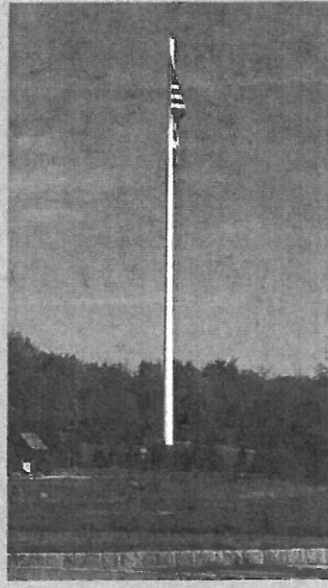
2. Telecommunications Tower, Concealed and Minor		
Concealed telecommunications towers shall comply with the standards in Table 152.1465.D, Allowable Locations for Wireless Telecommunications Facilities, Section 152.1465.E, General Standards Applicable to All Types of Wireless Telecommunications Facilities, and the following standards:		
a.	Towers Distinguished	<ul style="list-style-type: none"> i. A concealed telecommunications tower is a telecommunications tower and associated equipment that is designed to appear as something other than a traditional wireless telecommunications facility. ii. A minor wireless telecommunications tower is a use that is designed to appear as a traditional wireless telecommunications facility except that the maximum height of the tower portion of the facility is less than 30 feet above grade.
b.	Appearance of a Concealed Telecommunications Tower	<ul style="list-style-type: none"> i. A concealed telecommunications tower shall be configured to conceal the presence of the tower, antennas, antenna-support structures, and related wireless telecommunications equipment in order to obscure its purpose as a wireless telecommunications facility, to the maximum extent practicable. ii. Allowable configurations include, but are not limited to: bell towers, clock towers, water towers, silos, chimneys, steeples, light standards, flag poles, or evergreen trees. iii. Antennae, antenna support structures, cabling, and related appurtenances shall be enclosed, camouflaged, screened, or otherwise obscured so that they are not readily identifiable as wireless telecommunications equipment to the casual observer. iv. Equipment cabinets and related structures shall be designed, located, and camouflaged in a manner that is compatible with the tower portion of the facility. v. Placement of ground-based wireless telecommunications equipment associated with a concealed telecommunications tower is strongly encouraged to be located indoors or underground.
c.	Setbacks	<ul style="list-style-type: none"> i. Concealed and minor telecommunications towers and associated accessory structures, including equipment cabinets, shall comply with the applicable dimensional requirements for nonresidential uses in the zoning district where located. ii. In no instance shall a concealed or minor telecommunications tower be exempted from the minimum applicable setback requirements for nonresidential uses. iii. In cases where an existing concealed telecommunication tower's height is increased or where an existing concealed telecommunications tower is replaced in order to accommodate a major or minor collocation, the existing or replacement concealed telecommunications tower shall comply with the setback requirements in subsection (i) above, to the maximum extent practicable.
d.	Maximum Height	<ul style="list-style-type: none"> i. The maximum height for any concealed wireless telecommunication tower is 200 feet, as measured from the adjacent pre-construction grade to the top of the highest appurtenance on the tower. ii. In no instance shall a collocation of an eligible facility or work associated with a substantial modification result in a concealed telecommunication tower with a height that exceeds 200 feet above the adjacent pre-construction grade. iii. The maximum height for a minor telecommunications tower is less than 30 feet from the adjacent pre-construction grade to the top of the highest appurtenance on the tower.
e.	Collocation	<ul style="list-style-type: none"> i. Concealed and minor telecommunications towers are encouraged (but not required) to accommodate the collocation of other antennae, whenever technically and economically feasible. ii. Any collocated equipment on a concealed telecommunications tower must maintain the appearance of the facility as a concealed telecommunications tower.

Attachment B: DRAFT ORDINANCE

Wireless Telecommunication Facilities Ordinance 8.13.18 Draft

2. Telecommunications Tower, Concealed and Minor		
		<p>iii. Collocations of equipment on a minor telecommunications tower (whether a major or minor collocation) shall not increase the overall height of the tower by more than 10 feet beyond the initially approved height of the minor telecommunications tower. Actions that result in an increase in tower height by more than 10 feet shall require the minor telecommunications tower to undergo review as a major telecommunications tower.</p> <p>iv. In no instance shall a concealed telecommunications tower be replaced with a telecommunications tower that is not concealed in order to accommodate a collocation.</p>
f.	In Historic District	A concealed telecommunications tower located within a historic district shall obtain a certificate of appropriateness and shall be configured to minimize visibility of the facility, to the maximum extent practicable.
g.	Screening	<p>i. All ground-based elements, such as an equipment compound or equipment cabinets, shall be completely screened from off-site views through the use of a fully opaque wooden privacy fence, masonry wall, or two staggered rows of evergreen shrubs located around the perimeter of the ground-based elements.</p> <p>ii. Chain-link fencing is a ground-based element subject to these screening requirements.</p> <p>iii. Screening is not required in cases where ground-based equipment is not visible from off-site areas.</p> <p>iv. Landscaping material shall reach and maintain a minimum height of six feet above grade within four years of planting.</p> <p>v. Landscaping material is not required in front of access gates, provided the gates are fully opaque or are not visible from off-site areas.</p> <p>vi. These screening requirements may be waived, on a case-by-case basis, when the Planning Director determines that compliance with these screening standards will diminish the concealment objective of the concealed telecommunications tower.</p>
h.	Off-Street Parking	<p>i. A concealed telecommunications tower shall provide at least one off-street parking space, paved with an all-weather surface, and configured to provide for appropriate stormwater drainage.</p> <p>ii. Nothing shall prohibit the use of off-street parking associated with another principal use on site or an on-street parking space from meeting this requirement.</p> <p>iii. The Planning Director may waive this requirement when, in the opinion of the Planning Director, the inclusion of an off-street parking space will interfere with concealment objectives of the wireless telecommunications facility.</p>
i.	Example Images	The following images depict potential concealed telecommunications tower configurations, and are provided for informational purposes only.

2. Telecommunications Tower, Concealed and Minor

			
<p>Tree configuration</p>	<p>Steeple configuration</p>	<p>Clock tower configuration</p>	<p>Flag pole configuration</p>

3. Collocation⁶		
<p>Collocations, whether on a building wall or roof, a telecommunications tower, or on another vertical projection such as a water tank or electrical transmission tower, shall comply with the standards in Table 152.1465.D, Allowable Locations for Wireless Telecommunications Facilities, Section 152.1465.E, General Standards Applicable to All Types of Wireless Telecommunications Facilities, and the following standards:</p>		
a.	Collocations Distinguished	<p>All collocations shall be classified as either a major collocation or a minor collocation in accordance with Section 152.1465.B, Definitions, and the following:</p> <ul style="list-style-type: none"> i. A major collocation includes placement of antennas, antenna-support structures, and related wireless telecommunications equipment on any of the following: <ul style="list-style-type: none"> (a) A building’s roof; (b) A building’s wall; (c) A vertical projection such as a water tank, electric transmission tower, or similar vertical projection not constructed for the sole purpose of providing wireless telecommunications services; or (d) An existing or replacement telecommunications tower where the collocation requires a substantial modification, as defined in these standards and Section 160A-400.51 of the North Carolina General Statutes. ii. A minor collocation includes placement of antennas, antenna-support structures, and related wireless telecommunications equipment on an existing or replacement telecommunications tower, provided no substantial modification, as defined in these standards and Section 160A-400.51 in the North Carolina General Statutes, is required. A minor collocation may also be referred to as an “eligible facility,” as defined in these standards and Section 160A-400.51 of the North Carolina General Statutes. iii. In addition to the placement of antennas and antenna-support structures, collocations may also include the placement of wireless telecommunications equipment on a telecommunications tower, on a vertical projection, on the ground in close proximity to a telecommunications tower or vertical project, within an equipment compound, within an equipment cabinet, within a building, or on a building’s roof. iv. Nothing shall prohibit the replacement of an existing telecommunications tower or activities that increase the overall height of an existing telecommunications tower in order to accommodate a proposed collocation.
b.	Substantial Modification	<p>Collocations on an existing or replacement telecommunications tower that require or result in any of the following shall be considered a substantial modification:</p> <ul style="list-style-type: none"> i. Increasing the existing overall height of the telecommunications tower by the greater of: <ul style="list-style-type: none"> (a) 20 feet; or (b) More than ten percent; or ii. Adding an appurtenance (excluding cabling supports) to the body of an existing telecommunications tower that protrudes horizontally from the edge of the tower by the greater of: <ul style="list-style-type: none"> (a) More than the width of the telecommunications tower at the height of the appurtenance; or (b) More than 20 feet from the edge of the tower; or iii. Increasing the square footage of an existing equipment compound by more than 2,500 square feet. iv. Substantial modifications that require an increase in the overall height of an existing

⁶This is a new set of standards that distinguishes between major and minor collocations. Minor collocations are “eligible facility requests” and major collocations are everything else. These standards are consistent with recent statutory changes.

Wireless Telecommunication Facilities Ordinance 8.13.18 Draft

3. Collocation⁶		
		<p>telecommunications tower or require a replacement tower that exceeds the height of the existing telecommunications tower by more than 40 feet shall require review as a new telecommunication tower subject to the standards in Section 152.1465.F.1, Telecommunications Towers, Major.</p> <p>v. In no instance shall an existing telecommunications tower be permitted to remain in place for a period of more than 14 days following installation of a replacement telecommunications tower constructed to accommodate a collocation.</p>
c.	Collocation Prohibited	In no instance shall a collocation take place on or in a single-family detached, duplex, or townhouse structure.
d.	In Historic District	A collocation on building, telecommunications tower, or other vertical projection located within a historic district shall obtain a certificate of appropriateness and shall be configured to minimize visibility of the facility, to the maximum extent practicable.
e.	Maximum Height	Antennae, antenna-support structures, or other wireless telecommunications equipment, associated with a major collocation on a building wall or roof shall not project more than ten feet above the highest point of the building's roof or parapet wall.
f.	Method of Attachment	<p>i. Antennae, antenna-support structures, or other wireless telecommunications equipment, associated with a collocation shall be mechanically fastened to the building, roof, vertical projection, or telecommunications tower in a manner that minimizes the potential for structural failure or endangerment of the public from falling wireless telecommunications equipment.</p> <p>ii. The Planning Director may, at the Planning Director's sole discretion, require an applicant for a collocation to furnish evidence from a professional engineer licensed in the State of North Carolina that the proposed collocation meets the applicable State and local building and fire code requirements.</p>
g.	Appearance when Concealed	When a collocation is proposed on a concealed telecommunications tower, the collocation shall be configured in the manner necessary to ensure the tower's concealment is not compromised or negatively impacted.
h.	Setbacks	<p>i. In cases where an existing telecommunication tower's height is increased or where an existing telecommunications tower is replaced in order to accommodate a collocation, the existing or replacement tower shall be set back at least one foot from the front, side, and rear lot lines for each foot of overall wireless telecommunications facility height.</p> <p>ii. Accessory structures, including equipment cabinets, guy wire anchors, and other ground-based equipment shall conform with the applicable dimensional requirements for the zoning district where located.</p>
i.	Off-Street Parking	<p>i. A collocation shall provide at least one off-street parking space that is paved with an all-weather surface and configured to provide for appropriate stormwater drainage.</p> <p>ii. Nothing shall prohibit the use of off-street parking associated with another principal use on site or on-street parking space from meeting this requirement.</p> <p>iii. This off-street parking requirement may be waived by the Planning Director when a wireless telecommunications facility has two or more existing off-street parking spaces.</p>
j.	Screening	<p>i. All ground-based elements, such as an equipment compound or equipment cabinets, shall be completely screened from off-site views through the use of a fully opaque wooden privacy fence, masonry wall, or two staggered rows of evergreen shrubs located around the perimeter of the ground-based elements.</p> <p>ii. Chain-link fencing is a ground-based element subject to these screening requirements.</p> <p>iii. Screening is not required in cases where ground-based equipment is not visible from</p>

3. Collocation⁶

- off-site areas.
- iv. Landscaping material shall reach and maintain a minimum height of six feet above grade within four years of planting.
- v. Landscaping material is not required in front of access gates, provided the gates are fully opaque or are not visible from off-site areas.
- vi Roof- or building wall-mounted wireless telecommunications equipment (excluding antennae and antenna-support structures) shall be screened from view or shall be camouflaged in order to minimize its appearance from on-site and off-site areas.

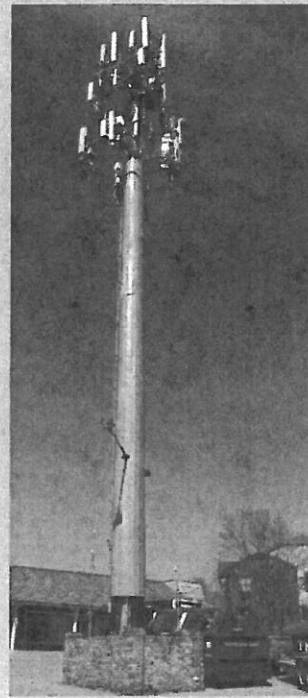
k. Example Images The following images depict potential collocation configurations, and are provided for informational purposes only.



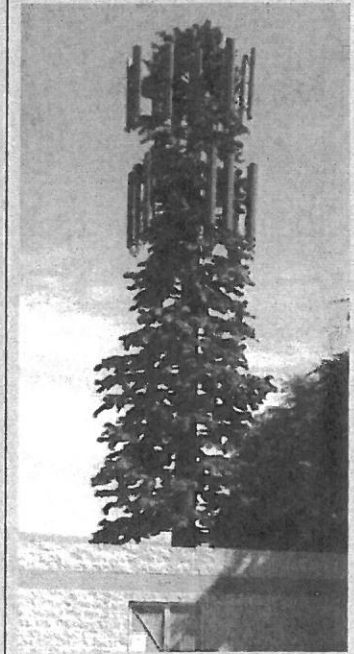
Typical collocation on a building



Concealed collocation on a building
(red circle added for clarity)



Typical collocation on a tower



Concealed collocation on a tower

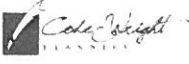
Wireless Telecommunication Facilities Ordinance 8.13.18 Draft

4. Small Wireless Facility⁷

Small wireless facilities may be located within a public right-of-way, other right-of-way, or on an individual lot only in accordance with the standards in Table 152.1465.D, Allowable Locations for Wireless Telecommunications Facilities, Section 152.1465.E, General Standards Applicable to All Types of Wireless Telecommunications Facilities, and the following standards:

a.	Consolidated Application	An applicant may file a single consolidated application for up to 25 separate small wireless facilities at one time, but the Town may choose to issue separate decisions on one or more of the facilities included within a consolidated application.
b.	Timeframe for Review	Applications for establishment of a small wireless facility shall be processed and decided within 45 days from the date the application is determined to be complete. Nothing shall prohibit the Town and the applicant from mutually agreeing to a longer review period.
c.	Timing for Operation	Construction of a small wireless facility shall commence within six months of its approval and the small wireless facility shall be activated for use within one year from the permit issuance date, unless delayed by a lack of commercial power at the site.
d.	In Historic District	A small wireless facility located within a historic district shall obtain a certificate of appropriateness and shall be configured to minimize visibility of the facility, to the maximum extent practicable.
e.	Maximum Equipment Size	<p>i. In no instance shall a small wireless facility exceed the following maximum size limitations:</p> <p>(a) Each antenna, and any exposed elements, shall be capable of fitting within an enclosure of six cubic feet, or less.</p> <p>(b) All other wireless equipment associated with the small wireless facility shall maintain a maximum cumulative volume of 28 cubic feet, or less. The following types of ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, vertical cable runs for the connection of power and other services, or the support structure.</p> <p>ii. A small wireless facility that exceeds these maximum size limitations shall be reviewed in accordance with the standards for a collocation.</p>
f.	Maximum Height	<p>i. No new structure intended to support a small wireless facility shall be taller than 50 feet above the adjacent pre-construction grade.</p> <p>ii. An existing structure (such as a utility pole, light standard, sign, etc.) may be replaced in order to accommodate a small wireless facility, but the replacement structure shall not exceed the height of the original structure being replaced.</p> <p>iii. In no instance shall the antennae or equipment associated with a small wireless facility project more than ten feet above the height of the structure the small wireless facility is mounted on.</p> <p>iv. In cases where a new structure installed to serve a small wireless facility exceeds 50 feet in height, the structure shall be reviewed and decided in accordance with the standards for a telecommunications tower.</p> <p>v. In cases where a replacement structure intended to serve a small wireless exceeds the height of the original structure, the replacement structure shall be reviewed and</p>

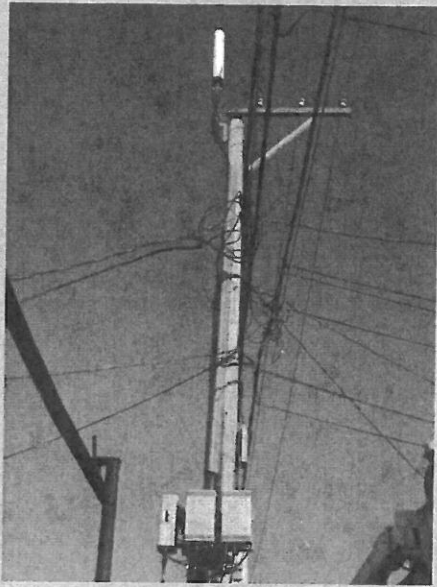
⁷ These standards are included to address small wireless facilities, as mandated by HB 310 from the 2017 legislative session. We note that this bill also includes several provisions pertaining to rights and responsibilities of the Town with respect to lease agreements in the right-of-way, and other performance-related aspects that do not belong in a zoning code. We suggest the Town review this legislation carefully, and prepare a companion policy document to address the aspects of this legislation in appropriate for inclusion with the development regulations.



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4. Small Wireless Facility ⁷		
		decided in accordance with the standards for a collocation.
g.	Placement	<ul style="list-style-type: none"> i. A small wireless facility, including the support structure and all other equipment, shall not obstruct the safe passage of vehicles, pedestrians, or bicycles. ii. Where an applicant proposes to install a new wireless support structure in the right-of-way, the Town may impose separation requirements between it and any existing wireless support structure or other facilities in or within ten feet of the right-of-way, to ensure safe operation and maintenance of all features within the public right-of-way.
h.	Method of Attachment	<ul style="list-style-type: none"> i. Antennae, antenna-support structures, or other wireless telecommunications equipment, associated with a small wireless facility shall be mechanically fastened to the supporting structure in a manner that minimizes the potential for structural failure or endangerment of the public from falling wireless telecommunications equipment. ii. The Planning Director may, at the Planning Director's sole discretion, require an applicant for a small wireless facility to furnish evidence from a professional engineer licensed in the State of North Carolina that the proposed wireless telecommunications facility meets the applicable State and local building and fire code requirements.
i.	Appearance	<ul style="list-style-type: none"> i. The portion of a small wireless facility attached to the support structure shall match the color of the support structure, to the maximum extent practicable. ii. In no instance shall a small wireless facility be placed on a decorative sign, light standard, or other feature that was required to be decorative as a condition of approval. iii. In cases where an applicant proposes inclusion of a small wireless facility on a decorative support structure, sign, or other existing structure not constructed solely for the purposes of providing wireless telecommunications services, the Town shall require the small wireless facility, including cables and wiring, to be configured or concealed to ensure compatibility with the structure.
j.	Screening	<ul style="list-style-type: none"> i. All ground-based equipment shall be completely screened from off-site views through the use of a fully opaque wooden privacy fence, masonry wall, or two staggered rows of evergreen shrubs located around the perimeter of the ground-based equipment. ii. Chain-link fencing is a ground-based element subject to these screening requirements. iii. Screening is not required in cases where ground-based equipment is not visible from off-site areas. iv. The Planning Director may waive or modify the screening requirements for small wireless facilities located within the public right-of-way when, in the opinion of the Planning Director, landscaping material would obstruct sightlines, pose challenges to maintenance, or call undue attention to the small wireless facility from passersby.
k.	Electrical Service	In cases where a small wireless facility is proposed in areas where electrical service is underground, all electrical service to the small wireless facility shall also be underground.
l.	Right-of-Way Restored	The applicant shall restore the right-of-way to pre-construction conditions following installation or maintenance of a small wireless facility.
m.	Example Images	The following images depict potential collocation configurations, and are provided for informational purposes only.

4. Small Wireless Facility



Typical placement on an electrical utility pole



Typical placement on a street light

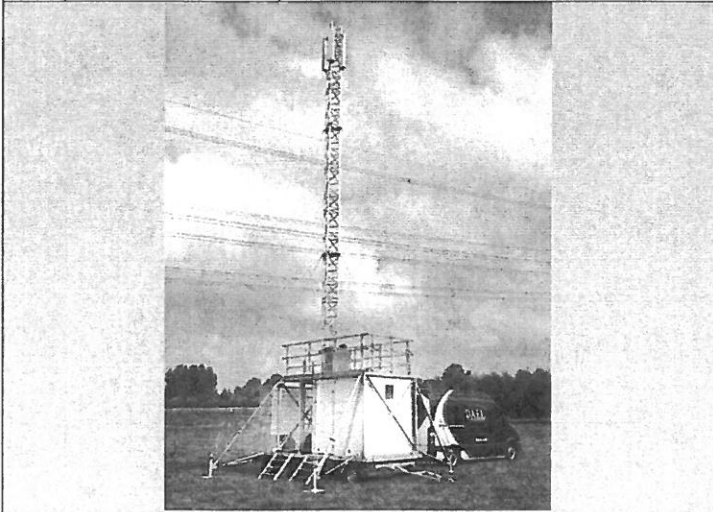


Typical placement on a street sign

5. Temporary Wireless Facility⁸

Temporary wireless facilities may be established only in accordance with the standards in Table 152.1465.D, Allowable Locations for Wireless Telecommunications Facilities, Section 152.1465.E, General Standards Applicable to All Types of Wireless Telecommunications Facilities, and the following standards:

a.	Maximum Duration	A temporary wireless facility may be allowed on a lot for the following maximum periods of time per calendar year: i. 30 days after a disaster or emergency, with the ability to renew for good cause shown; ii. 14 days to evaluate the technical feasibility of a site for a permanent wireless telecommunications facility; iii. 14 days to facilitate repair, replacement, or reconstruction of an existing telecommunications facility; or iv. For the duration of a special event where additional wireless telecommunications services are necessary.
b.	Configuration	A temporary wireless facility shall be self-contained (with the exception of a power source) and portable.
c.	Method of Attachment	i. Antennae, antenna-support structures, or other wireless telecommunications equipment associated with a temporary wireless facility shall be mechanically fastened to the supporting structure in a manner that minimizes the potential for structural failure or endangerment of the public from falling wireless telecommunications equipment. ii. The Planning Director may, at the Planning Director’s sole discretion, require an applicant for a temporary wireless facility to furnish evidence from a professional engineer licensed in the State of North Carolina that the facility meets the applicable State and local building and fire code requirements.
c.	Placement	A temporary wireless facility shall be located outside of required setbacks, off-street parking areas, landscaping areas, areas necessary for on-site circulation, and conservation areas like riparian buffers or wetlands.
e.	Example Images	The following images depict temporary wireless facilities, and are provided for informational purposes only.



Temporary facility on a trailer



Temporary facility in a vehicle

⁸ These standards are added in recognition of the growing need for temporary coverage as wireless service providers build and refine their networks, or when special events overload existing wireless systems. Inclusion of these standards is not mandatory, and they could be deleted, at the Town’s pleasure.

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G. Nonconforming Wireless Telecommunications Facilities

1. Lawfully established wireless telecommunications facilities in operation prior to (*insert the effective date of these regulations*) that do not comply with these standards may remain and operate as nonconforming uses.
2. In the event of conflict between these standards and the standards for nonconforming situations in Article 7 of this Ordinance, the standards in this section shall control with respect to wireless telecommunications facilities.
3. Ordinary and routine maintenance may be performed on a nonconforming wireless telecommunications facility.
4. Minor collocation of antennae, antenna-support structures, and related wireless telecommunications equipment is allowed in accordance with the requirements in Section 152.1465.F.3, Collocation, provided that the overall height of the existing nonconforming wireless telecommunications facility remains unchanged or is reduced.
5. In no instance shall a collocation resulting in an increased overall height or a requiring substantial modification, as defined in this section and Section 160A-400.51 of the North Carolina General Statutes, be permitted on a nonconforming wireless telecommunications facility.
6. In the event a nonconforming telecommunications tower is removed, it shall not be replaced with another nonconforming wireless telecommunications tower.

H. Cessation, Abandonment, and Removal of Wireless Telecommunications Facilities

1. Cessation
 - a. A wireless telecommunication facility shall be considered to have ceased operation if:
 - i. The Town receives written notice from a wireless services provider that it intends to cease operations at a particular wireless telecommunication facility; or
 - ii. A wireless telecommunications facility ceases to transmit a wireless telecommunications signal for a period of 30 consecutive days or longer; or
 - iii. A wireless telecommunications facility ceases to be served by electricity for a period of 30 consecutive days or longer and no generator is in operation.
 - b. Upon receipt of a written notice from a wireless services provider or upon determination that a wireless telecommunication facility has ceased operation, the Town shall forward written documentation of the cessation to the wireless services provider, or the owner of the land, if different.
2. Abandonment
 - a. The wireless telecommunications facility shall be deemed abandoned if wireless telecommunications signals do not resume for a period of 180 consecutive days or longer from the date the written documentation of cessation is filed.
 - b. Upon making a determination that a wireless telecommunications facility has been abandoned, the Town shall forward written documentation of the abandonment to the wireless services provider, or the owner of the land, if different.
3. Removal

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- a. The Town may require the wireless services provider or the owner of the land, if different, to remove an abandoned wireless telecommunications facility within 30 days of the date it is deemed abandoned.
- b. Should the wireless services provider, or the owner of the land, if different, fail to remove the abandoned wireless facility within 30 days of the date that notice of abandonment is filed, the Town may cause the wireless telecommunications facility to be removed and may recover the actual cost of such removal, including legal fees, if any, from the wireless services provider, or the owner of the land, if different.

Attachment 3

ZA 2019-01

Notice of Public Hearing



Town of Zebulon

The Town of Friendly People

To Whom It May Concern:
Notice of Public Hearing

Notice is hereby given pursuant to the provisions of Section 152.083 of the Land Use Code of the Town of Zebulon that a public hearing will be held on **November 13, 2018, at 7:00 PM**. The hearing will be held at the **Zebulon Municipal Complex, 1003 N. Arendell Ave.** and will be conducted by the Board of Commissioners and the Planning Board sitting jointly for the purpose of considering the following items:

ZA 2019-01 - §152.1465 Wireless Telecommunications Facilities.

An amendment to update and replace the existing Wireless Telecommunications Facilities ordinance.

Following the joint public hearing, the Tree Board will conduct a public meeting for the purpose of considering the following item:

Tree Board Meeting. The Town of Zebulon Tree Board will hold a meeting on Tuesday, November 13, 2018 at 7:00 PM. The meeting will be held at the Zebulon Municipal Complex, 1003 N. Arendell Avenue. The Board will discuss the 2018 Tree City USA Planting Project at Zebulon Community Park and future program planning.

Interested resident citizens are encouraged to attend and be heard. Maps and other relevant information pertaining to these matters are available at the Zebulon Town Hall and are filed with the Planning Department.

Zebulon Times 11/1/18 & 11/8/18

FIRE DEPARTMENT
113 E. Vance Street
Zebulon, NC 27597
(919) 269-6487
Facsimile (919) 269-2618

POLICE DEPARTMENT
1001 N. Arendell Avenue
Zebulon, NC 27597
(919) 269-7455
Facsimile (919) 269-0312

TOWN HALL
1003 N. Arendell Avenue
Zebulon, NC 27597
(919) 269-7455
Facsimile (919) 269-6200

PUBLIC WORKS DEPARTMENT
450 E. Horton Street
Zebulon, NC 27597
(919) 269-5285
Facsimile (919) 269-2617