

Table of Permitted Uses	R-15	R-15A	R-25	R-25A	<u>R-35A</u>	RMH-15	<u>RMH-25</u>	<u>RMH-35</u>	C-1	I-1	I-2	A-1	A-2	O&I	M-F	P-1
TRANSPORTATION, COMMUNICATION & FACILITIES																
Telephone & Telegraph Facilities Lighted (See Section 7.02, Note 9)									P	P				P		
Telephone & Telegraph Facilities Non-Lighted (See Section 7.02, Note 9)									P	P		P	P	P		
Telephone Subscriber Line Carrier (See Section 7.02, Note 8)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
TV, Radio Broadcasting Lighted (See Section 7.02, Note 9)									P	P				P		
TV, Radio Broadcasting Non-lighted (See Section 7.02, Note 9)									P	P		P	P	P		

Section 7.02, Note 9. Communication Facilities

Towers and Antennas shall be subject to the following:

- a) Towers and antennas shall be required to maintain a setback from front, side and rear property lines and existing structures a distance equal to the height of the tower and antenna(s) plus 10%. Guy wires, when applicable, shall conform to the setback provisions of Article 8.
- b) All utility buildings and accessory structures towers and antennas shall be architecturally designed to blend in with the surrounding environment.
- c) Performance Security - The Applicant and the owner of record of any proposed Wireless Telecommunications Facilities property site shall, at its cost and expense, be jointly required to execute and file with the County a bond, or other form of security acceptable to the County as to type of security and the form and manner of execution, in an amount set forth in the

Commissioners Fee Schedule, and with such sureties as are deemed sufficient by the County to assure the faithful performance of the terms and conditions of this Ordinance. The full amount of the bond or security shall remain in full force and effect until any necessary site restoration is completed to restore the site to a condition comparable to that which existed prior to the issuance of the original Zoning Permit.

d) Abandoned or Unused Towers

1. Abandoned or unused towers and antennas located on land owned or leased by the utility owner shall be removed by the utility owner within 365 days of cessation of operations;
2. If the tower/antenna is not removed within the required 365 days of cessation of operations, the County will attempt to contact the utility owner and order the removal of the tower/antenna within sixty (60) days of receipt of the notice. If the County is not successful in contacting the utility owner, the County will notify the landowner that the tower/antenna must be removed within sixty (60) days of receipt of the notice; and
3. Upon successful notification to either the utility owner or the landowner and failure to remove the tower/antenna as ordered, the County may remove the tower/antenna and tax the costs of removal to the landowner or place a lien upon the property for the costs of removal if such cost is above the amount of the performance security.

e) Towers and antennas proposed for local business internal communication purposes only shall be exempt from the 1 mile search radius required.

f) Antennas placed on existing structures shall be considered accessory uses that are permitted by right subject to a zoning permit provided they are no higher than 20 feet above the structure to which they are attached and a qualified and licensed professional certifies the existing structure can suitably accept the antenna. No additional setbacks shall be required for antennas placed on existing structures, excluding existing towers. Antennas that are placed on existing towers cannot be placed above that which exists unless required setbacks can be met.

g) No new or existing tower and antenna service shall interfere with public safety telecommunications. Further, where it can be shown that telecommunication service interferes with reception received by surrounding properties, the permit holder shall be responsible for taking reasonable steps to eliminate that interference in accordance with FCC regulations.

h) Prior to obtaining a building permit, the applicant shall submit proof of compliance with Federal Aviation Administration and Federal Communications Commission regulations and any other documentation to demonstrate compliance with state building code regulations.

- i) Every tower, affixed to the ground, and guy wires shall be protected to discourage climbing by unauthorized persons. The base of the tower along with any individual guy wires shall be enclosed by a commercial grade chain link fence (or some other fence of equal or greater quality) a minimum of eight (8) feet in height, and in addition to, shall include a minimum of two (2) strands of barbed-wire and/or razor wire affixed to the top of the fence.
- j) The permit, when issued, shall include a condition that the accumulative electromagnetic radiation levels maintain compliance with requirements of the Federal Communications Commission, regarding emission of electromagnetic radiation. The tower or antenna owner shall provide documentation of accumulative emission levels to FCC standards.
- k) Landscaping requirements are as follows:
 - 1. When deemed appropriate to minimize the potential impact on surrounding properties, the Zoning Administrator or his designee may require landscaping around the tower, antenna, guy wires, and associated buildings. In addition, the following shall be required:
 - a. land form preservation: existing mature tree growth and natural land form on the site shall be preserved to the extent feasible; provided however, that vegetation that causes interference with the antennas or inhibits access to the Equipment Facility may be trimmed or removed;
 - b. existing vegetation: existing vegetation on a tower or antenna site may be used in lieu of required landscaping when approved by the Zoning Administrator or his designee; and
 - c. minimum site disturbance: grading for the new tower or antenna shall be minimized and limited only to the area necessary for the new facility.
- l) Aesthetics, placement, materials and colors: All telecommunication facilities and accessory or associated facilities shall maximize the use of building materials, colors and textures designed to blend with the structure to which it may be affixed and /or to harmonize with the natural surroundings, this shall include the utilization of stealth technology.
- m) Lighting: The following lighting requirements shall apply to all towers and antenna installations. Towers and antennas shall not be artificially illuminated, directly or indirectly, except for:
 - 1. security and safety lighting of equipment buildings if such lighting is appropriately down shielded to keep light within the boundaries of the site;

2. such illumination of the towers and antenna as may be required by the FAA or other applicable authority installed in a manner to minimize impacts on adjacent residences; and
 3. unless otherwise required by the FAA or other applicable authority, the required light shall be red and a type of lens used to reduce ground lighting when the site is within 100 feet of a residential dwelling.
- n) Signage: Towers and antennas shall not display any signage, logos, decals, symbols or any messages of a commercial or noncommercial nature, except for a small message containing provider identification and emergency telephone numbers and such other information as may be required by local, state or federal regulations governing tower and antenna facilities.
- o) Sound: No unusual sound emissions such as alarms, bells, buzzers or the like are permitted.
- p) Shared Facilities and Collocation
1. Collocation: All new tower and antenna facilities (other than those proposed for local business utilization) shall be engineered, designed and constructed to be capable of sharing the facility with other applicants, to collocate with other existing tower and antenna facilities and to accommodate the future collocation of other tower and antenna facilities. A zoning permit for a tower shall not be issued until the applicant proposing a new tower and antenna facility shall demonstrate that it has made a reasonable good faith attempt to locate its antenna facility on an existing structure. Competitive conflict and financial burden alone are not deemed to be adequate reasons against collocation.
 2. All towers and antenna facilities (other than those proposed for local business utilization) with a support structure up to a height of 150 feet shall be engineered and constructed to accommodate at least 3 antenna arrays. All towers and antenna facilities with support structures 150 feet or greater in height shall be engineered and constructed to accommodate at least 4 antenna arrays.
 2. Collocation Agreements. All applicants for towers and antenna facilities (other than those proposed for local business utilization) are required to submit a statement with the application for a zoning permit agreeing to allow and reasonably market collocation opportunities to other tower and antenna facility users. The statement shall include the applicant's policy regarding collocation of other providers and the methodology to be used by the applicant in determining reasonable rates to be charged other providers.
- q) Wireless Communication Facility Development Standards:
1. In addition to all General Standards as noted above, the following definitions and development standards for Wireless Communication Facilities within the zoning jurisdiction of Pasquotank County shall apply to the installation, construction, attachment, removal, and alteration of facilities to accommodate wireless communication facilities.

2. Purposes

- a. Pasquotank County desires to encourage the orderly development of wireless communication technologies for the benefit of the County and its citizens. The County also recognizes the character of the communities of the County;
- b. As a matter of public policy the County aims to encourage the delivery of new wireless technologies throughout the County while controlling the proliferation of communication towers. Such development activities will promote and protect the health, safety, prosperity and general welfare of persons living in Pasquotank County;
- c. Specifically, the Wireless Communication Facility Development Standards are designed to achieve the following:
 - (1) Provide a range of locations for wireless communication facilities throughout the County;
 - (2) Encourage the location of wireless communication facilities onto existing structures to reduce the number of new communication towers needed within Pasquotank County;
 - (3) Encourage collocation and site sharing of new and existing wireless communication facilities;
 - (4) Establish adequate development and design criteria to enhance the ability of providers of telecommunications services to provide service to the community quickly, effectively, and efficiently;
 - (5) Protect residential, historic preservation areas, and scenic corridors from the uncontrolled development of wireless communications facilities by requiring reasonable site conditions;
 - (6) Promote the use of suitable lands for the location of wireless antennae, towers, and/or wireless communication facilities;
 - (7) Insure the harmonious, orderly and efficient growth and development of wireless communication facilities within the County;
 - (8) Provide standards for the development of wireless communication facilities which are consistent with the requirements of the Federal Telecommunications Act of 1996 and the best interest of the future of Pasquotank County; and
 - (9) Provide clear performance standards addressing the siting of wireless communication standards.

3. Definitions

Antenna Array is one or more rods, panels, discs or similar devices used for the transmission or reception of radio

frequency signals, which may include omni-directional antenna (rod), directional antenna (panel) and parabolic antenna (disc). The Antenna Array does not include the Support Structure.

Attached Wireless Communication Facility is an Antenna Array that is attached to an existing building or structure (Attachment Structure), which structures shall include but not be limited to utility poles, signs, water towers, rooftops, towers with any accompanying pole or device (Attachment Device) which attaches the Antenna Array to the existing building or structure and associated connection cables, and an Equipment Facility which may be located either inside or outside of the Attachment Structure.

Collocation/Site Sharing shall mean use of a common Wireless Communication Facility or common site by more than one wireless communication license holder or by one wireless license holder for more than one type of communications technology and/or placement of an Antenna Array on a structure owned or operated by a utility or other public entity.

Equipment Facility is any structure used to contain ancillary equipment for a Wireless Communication Facility, which includes cabinets, shelters, a build out of an existing structure, pedestals, and other similar structures.

FAA Federal Aviation Administration.

FCC Federal Communications Commission.

FTA Federal Telecommunications Act of 1996.

Height when referring to a wireless communication facility, height shall mean the vertical distance measured from the base of the tower to the highest point on the wireless communication facility, including the antenna array and other attachments.

Setback shall mean the required distance from the property line of the parcel on which the wireless communication facility is located to the base of the support structure and equipment shelter or cabinet and guy anchors.

Stealth Technology shall mean minimize adverse aesthetic and visual impacts on the land, property, buildings, and other facilities adjacent to, surrounding, and in generally the same area as the requested location of such wireless communication facility by using the least visually and physically intrusive facility that is not technologically or commercially impracticable under the facts and circumstances.

Support Structure is a structure designed and constructed specifically to support an antenna array, and may include a monopole, self-supporting (lattice) tower, guy-wire-support tower and other similar structures. Any device (Attachment Device), which is used to attach an attached wireless communication facility to an existing building or structure (Attachment Structure) shall be excluded from the definition of and regulations applicable to Support Structure.

Temporary Wireless Communication Facility shall mean a Wireless Communication Facility to be placed in use for ninety (90) or fewer days.

Wireless Communications shall mean any personal wireless services as defined in the Telecommunications Act of 1996, which includes FCC licensed commercial wireless telecommunications services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist.

Wireless Communication Facility is any unstaffed facility for the transmission and/or reception of wireless telecommunications services, usually consisting of an Antenna Array, connection cables, an Equipment Facility, and a Support Structure to achieve the necessary elevation.

4. Preferred Locations for Wireless Communication Facilities and Applicability

a. The following wireless communication facilities may be allowed within Pasquotank County:

(1) Antenna Attachments: Antenna attachments onto existing Support Structure(s), including but not limited to water tanks, utility poles/structures, buildings, etc. or onto an Attached Wireless Communication Facility shall be permitted subject to Development Standards identified in number 5.

b. A proposal for a new wireless communication facility shall not be approved unless the equipment planned for the proposed tower cannot be accommodated on existing or approved towers, buildings or alternative structures within a one (1) mile search radius of the proposed wireless communications facility due to one or more of the following reasons:

(1) The planned equipment would exceed the structural capacity of the existing or approved tower, building or structures, as documented by a qualified and licensed North Carolina professional engineer, and the existing or approved tower, building or structure cannot be reinforced, modified or replaced to accommodate planned or equivalent equipment at a reasonable cost.

(2) The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower, building or other structure as documented by a qualified and licensed North Carolina professional engineer and the interference cannot be prevented at a reasonable cost.

(3) Existing or approved towers, buildings or other structures within the search radius, or combinations thereof, cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed North Carolina professional engineer.

- (4) Other unforeseen reasons that make it infeasible to locate the planned telecommunication equipment upon an existing or approved tower, building or other structure.

5. Development Standards:

- a. Development standards for Wireless Communication Facilities, in addition to the general standards as noted in this ordinance, will include the following:

- (1) Spacing requirements:

- (a) Wireless Communication Facilities shall be spaced a minimum of one half (1/2) mile apart unless an existing tower is full and another tower is erected on the same property.

- (2) Height standards:

- (a) Attached Wireless Communication Facilities shall not add more than twenty (20) feet to the height of the existing building or structure to which it is attached (Attachment Structure). However, antenna attachments to existing communication towers shall not increase the height of tower above the maximum original permitted height of that tower.

r) Liability Insurance

1) The permit holder for Wireless Telecommunications Facilities shall secure and at all times maintain public liability insurance for personal injuries, death and property damage, and umbrella insurance coverage, until the tower is removed from the site, in amounts as set forth below:

- a) Commercial General Liability covering personal injuries, death and property damage: \$1,000,000 per occurrence/ \$2,000,000 aggregate;
- b) Automobile Coverage: \$1,000,000 per occurrence/ \$2,000,000 aggregate;
- c) Workers Compensation and Disability: Statutory amounts.

- 2) The Commercial General Liability insurance policy shall specifically include the County and its officers, boards, employees, committee members, attorneys, agents and consultants as additional named insureds.
- 3) The insurance policies shall be issued by an agent or representative of an insurance company licensed to do business in the State and with a Best's rating of at least A.

- 4) The insurance policies shall contain an endorsement obligating the insurance company to furnish the County with at least thirty-(30) days prior written notice in advance of the cancellation of the insurance.
 - 5) Renewal or replacement policies or certificates shall be delivered to the County at least fifteen (15) days before the expiration of the insurance that such policies are to renew or replace.
 - 6) Before construction of a permitted Wireless Telecommunications Facilities is initiated, but in no case later than fifteen (15) days after issuance of the Zoning Permit, the permit holder shall deliver to the County a copy of each of the policies or certificates representing the insurance in the required amounts.
- s) Retention of Expert Assistance and Reimbursement by Applicant.
1. The County may hire any consultant and/or expert necessary to assist the County in reviewing and evaluating the Application, including the construction and modification of the site.
 2. An Applicant shall deposit with the County funds sufficient to reimburse the County for all reasonable costs of consultant and expert evaluation and consultation to the County in connection with the review of any Application including the construction and modification of the site, once permitted. The initial deposit shall be in the amount set forth in the Commissioners Fee Schedule and shall be paid at the time the application is submitted. The County will maintain a separate escrow account for all such funds. The County's consultants/experts shall invoice the County for its services in reviewing the Application, including the construction and modification of the site, once permitted. If at any time during the process this escrow account has a balance less than an amount set forth in the Commissioners Fee Schedule, the Applicant shall immediately, upon notification by the County, replenish said escrow account so that it has a balance in the amount as set forth in the Commissioners Fee Schedule. Such additional escrow funds shall be deposited with the County before any further action or consideration is taken on the Application. In the event that the amount held in escrow by the County is more than the amount of the actual invoicing at the conclusion of the project, the remaining balance shall be promptly refunded to the Applicant.
 3. The total amount of the funds needed as set forth in subsection (2) of this section may vary with the scope and complexity of the project, the completeness of the Application and other information as may be needed to complete the necessary review, analysis and inspection of any construction or modification.