

ROBESON COUNTY ZONING ORDINANCE

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ROBESON COUNTY TELECOMMUNICATIONS TOWERS

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ROBESON COUNTY TELECOMMUNICATIONS TOWERS ORDINANCE

SECTION 1 AUTHORITY AND PURPOSE

1.1 PURPOSES

Is to provide for the public health, safety and welfare the safe and efficient integration of facilities necessary for the provision of advanced mobile broadband and wireless telecommunications services throughout the community and to ensure the ready availability of reliable wireless service to the public. Government agencies, and first responders, with the intention of furthering the public safety and general welfare. The placement, construction or modification of wireless communications facilities shall be in conformity with the Federal Communications Act, 47 U.S.C. 1455(a), and in accordance with the rules promulgated by the Federal Communications Commission. NCGS 160D

1.2 TITLE

This ordinance shall be known and may be cited as the “Robeson County Telecommunications Tower Ordinance.”

1.3 JURISDICTION

This provision of this Ordinance shall apply within the areas designed as zoning districts on the official zoning map(s) by the Board of Commissioners of Robeson County.

1.4 SEVERABILITY

Should any section, sentence, or clause of this ordinance be held invalid or unconstitutional, such decision shall not affect, impair, or invalidate the validity of the remaining parts of this ordinance which can be given effect without the invalid provision.

1.5 Permit Application

All applications and supporting documentation must be submitted to the Community Development Administrator in a manner consistent with the provisions of this Ordinance. Telecommunication Towers Permit Applications are available in the Robeson County Community Development.

1.6 Fee

See Fee Schedule.

1.7 EFFECTIVE DATE

This Ordinance shall repeal and replace the October 19, 1998 Ordinance in its entirety.

1.8 ADOPTION

Duly adoption by the Board of County Commissioners of the County of Robeson, North Carolina, this the 16th day of November, 2020.

Robeson County Board of Commissioners
Lance Herndon, Chairman

Tammy S. Freeman, Clerk

SECTION 2 PERMITS

2.1 WIRELESS ANTENNA ARRAY(S) ON WIRELESS COMMUNICATION FACILITIES

The following are permitted: Wireless Antenna Array(s) shall be permitted on wireless communication facilities in all zoning districts provided the following development criteria are met:

A. Height: Maximum height (allowed without a special use permit) is not to exceed:

- 199' feet in a Residential Agricultural Districts
- 225' feet in Highway Commercial Districts
- 250' feet in Heavy Industrial Districts

EXCEPTIONS(S): Wireless telecommunication towers that have already been permitted through a special use permit or were in existence prior to the date of this ordinance may add wireless antenna arrays to their towers provided that in no instance shall an attachment to an existing and/or previously permitted wireless telecommunication tower increase the height of said tower by more than 15 feet.

B. Setback: All wireless equipment facilities shall observe the minimum setbacks and maximum height allowed within the underlying zoning district.

C. Color & Placement: The wireless antenna array(s) and supporting electrical and mechanical equipment must be of a color that is identical to, or closely compatible with the color of the wireless communication facility so as to make the wireless antenna array and the related equipment as visually unobtrusive as possible.

D. Fencing: All wireless equipment facilities shall be screened with opaque fencing at least 6 feet high. Fencing around compounds within or adjacent to a residentially zoned or residentially occupied property shall match the facade of the principle building. If there is no principal building shadow box fencing shall be used.

E. Abandonment & Obsolescence: Any wireless antenna array that is not utilized for at least 12 months shall be reported by the service provider to the Community Development Administrator. Upon request by the Community Development Administrator the wireless antenna array shall be completely removed within ninety (90) days and the site shall be restored to its pre-existing condition.

2.2 WIRELESS ANTENNA ARRAY(S) ATTACH TO UTILITY POLES OR RECONSTRUCTED UTILITY POLES

The following are permitted: Wireless antenna array(s) shall be permitted to attach to utility poles or reconstructed utility poles in all zoning districts provided the following development criteria are met:

- A. **Height:** Flush mounted wireless antenna arrays are preferred. In no instance shall the wireless antenna array(s) exceed more than 15 feet above the existing utility pole.
- B. **Setback:** All wireless equipment facilities shall observe the minimum setbacks and maximum height allowed within the underlying zoning district.
- C. **Color & Placement:** The wireless antenna array(s) and supporting electrical and mechanical equipment must be of a color that is identical to, or closely compatible with the color of the wireless communication facility so as to make the wireless antenna array and the related equipment as visually unobtrusive as possible.
- D. **Fencing:** All wireless equipment facilities shall be screened with opaque fencing at least six (6) feet high. Fencing around compounds within or adjacent to a residentially zoned or residentially occupied property shall match the facade or the principle building. If there is no principal building shadow box fencing shall be used.
- E. **Abandonment & Obsolescence:** Any wireless antenna array that is not utilized for at least 12 months shall be reported by the service provider to the Community Development Administrator. Upon request by the Community Development Administrator the wireless antenna array shall be completely removed within ninety (90) days and the site shall be restored to its pre-existing condition.

2.3 SPECIAL USE PERMIT

A special use permit will be required in all districts to erect a new wireless telecommunication tower provided the following development criteria are met:

- A. **Co-location:** No new wireless telecommunication tower will be permitted unless and until the applicant provides the Robeson County Board of Commissioners evidence that reasonable efforts have been made to co-locate on an existing wireless telecommunication facility will technically satisfy the applicant's needs.
- B. **Setbacks of Other Towers:** Wireless telecommunication towers shall be located a minimum of two hundred (200) feet from any abutting property line and highway, and shall be located such that all supporting cables and anchors are contained within the property.
- C. **Orientation:** Access to the wireless telecommunication tower and the wireless telecommunication equipment facility shall be from the interior of the site and not from a separate driveway connection to a public or private street. The gated drive to the proposed wireless telecommunication facility shall be located in such a way as to minimize the effect on the adjoining residential property. The actual access gate shall not face any residentially zoned lot property.

- D. Aesthetics:** Wireless antenna arrays and wireless telecommunication towers shall be camouflaged to the maximum extent possible in an effort to conceal them from public view. Examples include but are not limited to painting the wireless antenna array(s) and the wireless telecommunication towers a color that will blend into the environment in which it is proposed; concealing the wireless antenna array(s) in flagpoles, lighting fixtures, church steeples, clocks, bell towers, and disguising the wireless telecommunication towers to look like a tree, public art or other camouflaged structures available to the industry. All proposed wireless telecommunication towers must bear a reasonable relationship to the proportions and scale of existing buildings, structures and natural vegetation.
- E. Fencing:** All compounds shall be screened with opaque fencing. Fencing around compounds within or adjacent to residentially zoned or residentially occupied property shall match the facade of the principle building. If there is no principal building, shadowbox fencing shall be used. The height of the fence shall match the height of the equipment building or be a minimum of six feet in height, whichever is greater.
- F. Landscaping:** A row of evergreen shrubs and trees shall be provided around the perimeter of the compound, excluding the grated drive area. Said plant material shall be placed five (5) feet on center. Said landscaping shall be planted five (5) feet from the fence.
- G. Application Information:** The applicant shall complete plans including site plans, survey, photographs of a similar facility and us photo imagery to superimpose the facility onto the existing site for review by the Robeson County Board of Commissioners. Once the site plan and photograph(s) or photo rendering of the facility are approved by the Robeson County Board of Commissioners, the facility must be constructed in compliance with this approval. If not so constructed, the special use permit may be revoked and the tower removed. If the applicant fails to achieve compliance within sixty (60) days, the Community Development Administrator shall issue a Notice of Violation directing that the facility be removed within sixty (60) days of the date of said notice.
- H. Review and Revocation of Permit:** If the Community Development Administrator or other interested party determines that a violation of a special use permit including but not limited to unreasonable denial of co-location requests or unfair pricing of co-location co-location sites) may have occurred, the Robeson County Board of Commissioners may conduct a public hearing to determine whether or not the terms of the permit have been or are being violated. Upon such finding the Robeson County Board of Commissioners may revoke or modify said permit.
- I. Abandonment & Obsolescence:** Any wireless antenna array that is not utilized for at least 12 months shall be report by the service provider to the Community Development Administrator. Upon request by the Community Development Administrator, the wireless antenna array shall be completely removed within ninety (90) days and the site restored to its pre-existing conditions. If the tower owner is unreachable or bankrupt, the removal of the tower shall be responsibility of the landowner.

- J. All special use permits issued under this section shall require that co-location sites or new towers be reasonably marketed to the extent space is available and at a price that is of fair market value

In addition to the development standards of 2.3 (A-J), the carrier will meet the following guidelines except when the wireless provider can demonstrate industry demands otherwise:

11. Types of Wireless Telecommunication Towers:

- Residential Agricultural Districts shall permit Monopoles or Lattice Towers
- Highway Commercial Districts shall permit Monopoles or Lattice Towers
- Heavy Industrial Districts shall permit Monopoles, Lattice or Guyed Towers

12. Height of Wireless Telecommunication Tower: Wireless Telecommunication Towers shall not exceed:

- 150' feet in a Residential Agricultural Districts
- 199' feet in Highway Commercial Districts
- 250' feet in Heavy Industrial Districts

SECTION 3 INTERPRETATIONS & DEFINITIONS

3.1 GENERAL DEFINITIONS

Abandonment: Cessation of use of a wireless support structure for wireless telecommunications activity for at least the minimum period of time specified under this ordinance.

Accessory Equipment: Any equipment serving or being used in conjunction with a Wireless Facility or Wireless Support structure. The term includes utility or transmission equipment, power. Supplies, generators, batteries, cables, equipment buildings, cabinets, and storage sheds, shelters, and similar structures.

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

Base Station: A station at a specific site authorized to communicate with mobile stations, generally consisting of radio receivers, antennas, coaxial cables, power supplies, and other associated electronics.

Carrier on Wheels or Cell on Wheels (COW): A portable self-contained Wireless Facility that can be moved to a location and set up to provide wireless services on a temporary or emergency basis. A COW is normally vehicle-mounted and contains a telescoping boom as the Antenna support structure.

Co-Location: The placement, installation, maintenance, modification, operation, or replacement of wireless facilities on, under, within, or on the surface of the earth adjacent to existing structures, including utility poles, water towers, buildings, and other structures capable of structurally supporting the attachment of wireless facilities in compliance with applicable codes. The term “co-location” does not include the installation of new utility poles, city utility poles, or wireless support structures.

Commercial or Industrial Area: A parcel of land on which commercial or industrial activities already exist, and is a proposed site for a wireless telecommunications tower to be erected. The site may be allowed to erect the telecommunications tower with the fall zone requirement to be enforced on all habitable structures (buildings) and public roads or highways.

Concealed Wireless Facility: Any tower, ancillary structure, or equipment compound that is not readily identifiable as such, and is designed to be aesthetically compatible with existing and proposed building(s) and uses on a site. There are two (2) types of concealed facilities:

1. Antenna attachments, including painted antenna and feed lines to match the color of a building or structure, faux windows, dormers, or other architectural features that blend with an existing or proposed building or structure and
2. Freestanding concealed tower’s usually have a secondary, obvious function which may include church steeple, bell tower, clock tower, light standard, flagpole, or tree.

Electrical Transmission Tower: An electrical transmission structure used to support high voltage overhead power lines. The term shall not include any Utility Pole.

Eligible Facilities Request: A request for modification of an existing wireless tower or base station that involves co-location of new transmission equipment or replacement of transmission equipment but does not include a substantial modification.

Equipment Compound: An area surrounding or near the base of a Wireless Support Structure within which are located Wireless Facilities.

Existing Structure: A Wireless Support Structure, erected prior to the application for collocation or substantial modification under this ordinance that is capable of supporting the attachment of Wireless Facilities, including, but not limited to, Electrical Transmission Towers, buildings and Water Towers. The term shall not include any Utility Pole.

Fall Zone: The area in which a wireless support structure may be expected to fall in the event of a structural failure, as measured by engineering standards.

Monopole: A single, freestanding pole-type structure supporting one or more Antennas. For the purposes of this Ordinance, A Monopole is not a Tower or a Utility Pole.

Ordinary Maintenance: Ensuring that Wireless Facilities and Wireless Support Structures are kept in good operating condition. Ordinary Maintenance includes inspections, testing and modifications that maintain functional capacity and structural integrity; for example, the strengthening of a Wireless Support Structure's foundation or of the Wireless Support Structure itself. Ordinary Maintenance includes replacing Antennas of a similar size, weight, shape and color and Accessory Equipment within an existing Equipment Compound and relocating the Antennas to different height levels on an existing Monopole or Tower upon which they are currently located. Ordinary Maintenance does not include Substantial Modifications.

Replacement Pole: Pole of equal proportions and of equal height or such other height that would not constitute a Substantial Modification to an Existing Structure in order to support Wireless Facilities or to accommodate Collocation. Requires removal of the Wireless Support Structure it replaces.

Substantial Modification: The mounting of a proposed Wireless Facility on a wireless support structure that substantially changes the physical dimensions of the support structure. or Wireless Facility or Wireless Facilities on a Wireless Support Structure which:

1. Increases the existing vertical height of the Wireless Support Structure by:
 - a. More than ten percent (10%), or
 - b. The height of one additional Antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater; or

2. Except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable, adding an appurtenance to the body of a wireless support structure that protrudes horizontally from the edge of the wireless support structure the greater of:
 - a. More than 20 feet or
 - b. The height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet

3. Increases the square footage of the existing Equipment Compound by more than 2,500 square feet.

Tower: A lattice- type, guyed or freestanding structure that supports one or more Antennas.

Utility Pole: A structure that is designed for and used to carry lines, cable, wires, lighting facilities, or small wireless facilities for telephone, cable television, electricity, lighting, or wireless services.

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

Wireless Antenna Array: One or more rods, panels, discs or similar devices used for the transmission of receptions or radio frequency signals, which may include omnidirectional antenna (rod), directional antenna (panel) and parabolic antenna (disc). The antenna array does not include the support structure.

Wireless Equipment Facility: Any structure used to contain ancillary equipment for a wireless communication facility including but not limited to cabinets, shelters, a buildout or an existing structure or pedestal.

Wireless Communication Facility or Wireless Facilities (Attached): An existing building or structure in which an antenna array attaches onto including but not limited to existing buildings, reconstructed lighting poles, water towers, rooftops, signage (inside) or existing wireless telecommunication towers. The antenna array attachment may be located either inside or outside of the wireless communication facility.

Wireless Services Provider: A person who provided wireless services.

Wireless Support Structure: A free-standing structure, such as a Monopole or Tower, designed to support Wireless Facilities. This definition does not include Utility Poles.

Wireless Telecommunication Tower: A structure that is used to support wireless antenna that transmit and receive radio waves in conjunction with wireless telephony technology. Wireless telecommunication towers include, but are not limited to, monopoles, lattice towers, and guyed towers.

Wireless Telecommunication Permit: A permit for Wireless Facilities and/or Wireless Support Structures not subject to Administrative Review and Approval pursuant to this Ordinance. Wireless Telecommunication permits are granted by the Board of Commissioners in accordance with the standards for granting Special Use Permits set forth in the Robeson County Zoning Ordinance.