

ARTICLE 19. TELECOMMUNICATION FACILITIES

Section 19-1: Purpose

The purpose of this Article is to set forth the requirements for planning and construction of telecommunications facilities including cellular antennas, wireless communication towers, and principal communication towers for other uses.

Section 19-2: Facilities Permitted

Telecommunications facilities, including cellular antennae and wireless communications towers and facilities, are permitted subject to the following conditions:

- (A) Location. The proposed tower, antenna, and accessory structure and equipment shall be placed in a location and in a manner that will minimize the visual impact on the surrounding area. Any tower, antenna, or accessory structure shall be approved by the Planning Board for compliance with these requirements. Accessory structures and equipment must meet applicable Sections of Article 11. To ensure the safety of the public and other existing buildings, the telecommunications site shall:

- (1) Be a minimum of 250 feet from residentially zoned property;
- (2) Be located such that all supporting cables and anchors are contained within the property of the applicant.

Towers may be erected on a city-owned tower or on city property with city approval without a Conditional Use Permit being issued. The tower shall not exceed forty (40) feet in height. Towers shall be permitted on all government facilities and structures in all zoning districts.

- (B) Co-Location. Approval for a proposed tower within a radius of 10,500 feet from an existing tower or other similar structure shall not be issued unless the applicant certifies that the existing tower or structure does not meet applicant's structural specifications or technical design requirements, or that a co-location agreement could not be obtained at a reasonable market rate and in a timely manner. .
- (C) Height. The height of the tower shall not exceed 160 feet as measured from existing grade at its base to the highest point of the tower or antennae. An additional 120 feet of height may be approved if the tower is designed to accommodate twice the applicant's antennae requirements. Telecommunications antennae or equipment mounted on a building shall meet height requirements of Article 11.

- (D) Minimum Lot Area The minimum lot area shall be one half ($\frac{1}{2}$) acre.
- (E) Setback. All towers shall be setback from any residential structure a distance of the tower's height plus 50 feet, unless the owner of the residential structure waives this requirement by a notarized affidavit. All towers over fifty feet in height shall observe a safety zone setback from all adjacent properties equal to the tower's fall zone, as certified by a North Carolina registered engineer, plus 20 feet; provided that this requirement may be waived by a notarized affidavit from the affected property owner (and occupant where different from the owner). The form of waivers shall be subject to the approval of the City Attorney. All towers shall be set back from all publicly owned rights-of-way a distance equal to the tower height multiplied by 2.5.
- (F) Design. Towers shall be designed to accommodate additional antennae equal in number to the applicant's present and future requirements for the life of the tower. The color of the tower and its antennae shall be one that will blend to the greatest extent possible with the natural surroundings and shall be approved by the Planning Board. The tower will not be illuminated or contain any illumination except as required by state and federal regulations. No signage shall be allowed on any tower, antenna, or accessory structure except for a public utility sign not to exceed one square foot placed on the utility's equipment.
- (G) Maintenance or Service Structures. One unmanned maintenance or service structure of not more than 20 feet in height and 400 square feet of floor space may accompany each tower. The tower and maintenance or service structure shall not be required to comply with development standards relating to lot size, setbacks, street frontage, and subdivision regulations, so long as the principal use complies with this Article.
- (H) Existing Towers. Existing towers may be replaced or modified providing that the existing height is not exceeded by more than 20 feet and the new or modified tower meets all of the requirements of this Article except setback provisions.
- (I) Abandoned Towers. Any tower, antenna, accessory structure, or equipment that is not used for communications purposes for more than 120 days shall be considered abandoned; and once considered abandoned shall be removed by the owner within 60 days.
- (J) Removal of Towers. Where removal of any tower, antenna, accessory structure, or equipment is planned, a performance bond in the amount of the anticipated removal costs as determined by a North Carolina registered engineer is required.

Section 19-3: Telecommunications Facility Plans

No telecommunications facility shall be constructed or permitted without a set of facility plans bearing an engineer's seal that has been filed with the city's building inspector. Telecommunications facility plans shall contain the following:

- (A) Fee. A fee determined by the Board of Aldermen.
- (B) Narrative. A written narrative of the development plan.
- (C) Development Impact Statement. The impact on the environment (trees, run-off, waste disposal, emissions, historic property impact, and impact on other properties).
- (D) Co-location on Existing Towers. Documentation that co-location on existing towers or structures within a radius of 10,500 feet was attempted by the applicant, but found unfeasible with reasons noted.
- (E) Co-location on Proposed Tower. A notarized affidavit that states the applicant's willingness to allow location on the proposed tower, at a fair market price and in a timely manner, of any other service provided licensed by the Federal Communications Commission (FCC) for the Cape Fear market area.
- (F) Site Plan. A site plan at a scale of one inch equals forty (40) feet by a North Carolina registered surveyor, showing location of all existing property lines and improvements within a 500 foot radius and any proposed tower, antenna, accessory structure, or equipment. In addition, the site plan must include:
 - (1) A list of adjacent property owners and their addresses;
 - (2) Zoning district;
 - (3) Names of developer(s) and owner(s).
- (G) Other Permits. Copies of all county, state, and federal permits with the application building permit where prior local approval is not required.
- (H) Elevation Drawings. Elevation drawings of all towers, antennae, and

accessory structures and equipment, indicating height, design, and colors.

- (I) Landscape Plan. If visible from any public road, a landscape plan at a scale of one inch equals forty (40) feet shall indicate how the applicant proposes to screen any service structure, accessory structure, or equipment from view. Indigenous vegetation shall be used in all plantings. A permanent maintenance plan shall be provided for the plantings.
- (J) FCC and FAA Certifications. Certification that all antenna and equipment comply with FCC regulations for radio frequency radiation and all towers, antennae, and equipment meet Federal Aviation Administration (FAA) aviation and navigation requirements.
- (K) NEPA Compliance. A copy of approved National Environmental Policy Act of 1969 (NEPA) compliance report for all towers, antennae, accessory structures, or equipment proposed for the proposed site.
- (L) Structural Requirements. Documentation signed and sealed by a North Carolina registered engineer that indicates any proposed tower meets the structural requirements of the Standard Building Code and the co-location requirements of this Article.
- (M) Liability. Proof of liability insurance or financial ability to respond to claims up to \$1,000,000.00 (escalated each year by the Consumer Price Index) in the aggregate which may arise from operation of the facility during its life, at no cost to the City of Southport, in a form approved by the City Attorney.
- (N) Other Approvals, Certifications, or Recommendations. Appropriate approvals, certifications, or recommendations required to allow review of approval criteria such as sight line analysis, aerial photographs, or other such tests as determined by the City Manager.