
REGULAR MEETING

November 4, 2013

6:55 p.m.

The Perquimans County Board of Commissioners met in a regular meeting on Monday, November 4, 2013, at 6:55 p.m. in the Commissioners' Room located on the first floor of the Perquimans County Courthouse Annex.

MEMBERS PRESENT: Janice McKenzie Cole, Chair Kyle Jones
 Benjamin Hobbs Tammy Miller-White
 Matthew Peeler

MEMBERS ABSENT: Edward R. Muzzulin, Vice Chairman

OTHERS PRESENT: Frank Heath, County Manager Mary Hunnicutt, Clerk to the Board
 Hackney High, County Attorney

After the Chair called the meeting to order, she gave the invocation and led in the Pledge of Allegiance.

PUBLIC HEARINGS

2012 Scattered Site Application (CDBG Funds)

Chair Cole opened the first Public Hearing stating that the purpose of the public hearing was to receive public citizens' comments concerning the 2012 Scattered Site Application the county submitted to the Department of Commerce, Division of Community Assistance. Activities eligible under the grant program are clearance, reconstruction, housing rehabilitation and urgent repairs. The total Project cost is \$225,000. CDBG funds will be used to fund the entire project. There were nine (9) people present. The Chair recognized Frank Heath, County Manager, who further explained the purpose of this public hearing. Because the first public hearing was not advertised sufficiently, the State required that we hold another public hearing. Chair Cole asked if the Board or the public had any questions or comments. There being none, the Chair moved on to the next Public Hearing.

Administrative Text Amendment No. TXT-13-03 – Articles VIII & XII of Zoning Ordinance

Chair Cole explained that the purpose of the next Public Hearing was to receive citizens' comments to consider **Administrative Text Amendment No. TXT-13-03, to amend the County's Zoning Ordinance, Articles VIII and XXII, pertaining to the Communications Tower Ordinance: Regulating the Deployment of Telecommunications Infrastructure**, to comply with Section 153A-349.53 of the NCGS (as amended by S.L 2013-185 [HB 664]), to clarify requirements for applications entitled to streamlined processing, including changes to the tower or support structure; adding/defining DAS (Distributed Antennas Systems) Facilities; establish a Post-Construction Approval process and fee; and change the spelling of "collocation" and other typographical errors. There were nine (9) people present. The Chair recognized Donna Godfrey, County Planner, who explained the proposed changes (**See Attachment A**). She further explained that Commissioner Peeler, along with herself, had found several other typographical errors which she distributed to the Board. Chair Cole asked if anyone else had signed up to speak. There being none, Chair Cole closed the public hearings at 7:00 p.m. and proceeded with the Regular meeting.

AGENDA

The Agenda, as amended, was unanimously approved on motion made by Tammy Miller-White, seconded by Matthew Peeler.

CONSENT AGENDA

The following items were considered to be routine and were unanimously approved on motion made by Benjamin C. Hobbs, seconded by Matthew Peeler.

1. **Approval of Minutes:** October, 2013 Regular Meeting
2. **Tax Releases Approvals:**

PERQUIMANS COUNTY TAX RELEASES:

Eaves, Karen & Howard -----	\$432.08
Mobile home was sold in September 2012 and moved to 431 Old Neck Road. Building Permit was established and for 2013 parcel #5-0051-0014B was taxed for this structure. Account Number 422202.	
Overton, James Luther & JoAnn -----	\$176.00
Assessment was modified due to survey of record 6/19/2012 for the year 2013. Account Number 413950.	
Lamb, Zee B. -----	\$114.80
Vehicle located in Chowan County, License #BKY2949, 2013 Buick MP. Account Number 8089398.	
Coleman, Jr., Donald & June -----	\$155.63
2013 Horton Singlewide was doubled billed on Parcel #2-0070-0005A. Account Number 207267.	
Albemarle Trucking -----	\$212.65
2013 Horton Singlewide was doubled billed on Parcel #2-0070-0005A. Account Number 207267.	

3. **Personnel Matter:**

Employee Name	Employee Job Title	Action Required	Grade/Step	New Salary	Effective Date
Lewis Smith	Director – Extension Services	Retirement			1/1/2014

4. **Budget Amendments:**

**BUDGET AMENDMENT NO. 8
 GENERAL FUNDS**

CODE NUMBER	DESCRIPTION OF CODE	AMOUNT	
		INCREASE	DECREASE
10-348-018	Mentoring Focus (Local)	2,500	
10-672-570	Mentoring Local Funds	2,500	
EXPLANATION: Increase on Local Funds for FY 2013-14 received from Albemarle EMC, which can only be used for food & provisions, supplies or educational field trips.			

5. **ECBH Quarterly Fiscal Monitoring Reports:** The State requires that the Quarterly Fiscal Monitoring Report be presented to the Board for review. The reports for periods ending on March 31, 2013 and June 30, 2013 were presented.
6. **Board Appointments:**

NAME	BOARD	ACTION	TERM	EFFECTIVE DATE
Layden, Dianne	Board of Adjustments (alternate)	Reappointment	3 yrs.	11/1/2013
Bielski, Jim	Chowan/Perquimans Multi-County LEPC	Reappointment	1 yr.	11/1/2013

NAME	BOARD	ACTION	TERM	EFFECTIVE DATE
Parnell, Brian	Chowan/Perquimans Multi-County LEPC	Reappointment	1 yr.	11/1/2013
Bonner, Greg	Chowan/Perquimans Multi-County LEPC	Reappointment	1 yr.	11/1/2013
Brittingham, Richard	Chowan/Perquimans Multi-County LEPC	Reappointment	1 yr.	11/1/2013
Chaney, Susan	Chowan/Perquimans Multi-County LEPC	Reappointment	1 yr.	11/1/2013
Cole, Janice	Chowan/Perquimans Multi-County LEPC	Reappointment	1 yr.	11/1/2013
Copeland, Crystal	Chowan/Perquimans Multi-County LEPC	Reappointment	1 yr.	11/1/2013
Lafon, David	Chowan/Perquimans Multi-County LEPC	Reappointment	1 yr.	11/1/2013
Lawrence, Grady	Chowan/Perquimans Multi-County LEPC	Reappointment	1 yr.	11/1/2013
Madry, Patty	Chowan/Perquimans Multi-County LEPC	Reappointment	1 yr.	11/1/2013
Nixon, Jonathan	Chowan/Perquimans Multi-County LEPC	Reappointment	1 yr.	11/1/2013
Palmer, Cordell	Chowan/Perquimans Multi-County LEPC	Reappointment	1 yr.	11/1/2013
Ponte, Tom	Chowan/Perquimans Multi-County LEPC	Reappointment	1 yr.	11/1/2013
Smith, Lewis	Chowan/Perquimans Multi-County LEPC	Reappointment	1 yr.	11/1/2013
Spruill, Mary	Chowan/Perquimans Multi-County LEPC	Reappointment	1 yr.	11/1/2013
Stoop, Ashley	Chowan/Perquimans Multi-County LEPC	Reappointment	1 yr.	11/1/2013
Value, Jason	Chowan/Perquimans Multi-County LEPC	Reappointment	1 yr.	11/1/2013
VanDuyn, T. Gwen	Chowan/Perquimans Multi-County LEPC	Reappointment	1 yr.	11/1/2013
Williams, Peter	Chowan/Perquimans Multi-County LEPC	Reappointment	1 yr.	11/1/2013
Winslow, Harry	Chowan/Perquimans Multi-County LEPC	Reappointment	1 yr.	11/1/2013
Winslow, Jarvis	Chowan/Perquimans Multi-County LEPC	Reappointment	1 yr.	11/1/2013

INTRODUCTION OF NEW EMPLOYEE – DEPUTY REGISTER OF DEEDS

Jacqueline Frierson, Register of Deeds, first thanked the Board for appointing her to complete Debbie Reed's term as Register of Deeds. She then introduced her new employee, Shawneeka Jordan, Deputy Register of Deeds, to the Board. The Chair welcomed her to the County.

JUNE BRITT, ECONOMIC IMPROVEMENT COUNCIL (EIC)

June Britt gave a short summary of the Community Service Block Grant Application which the EIC applied for. She said that they represent ten counties in the area. They have applied for \$281,576. With this money, they are hoping to serve a total of 56 low income families. The State requires that they present the application to each of the counties that they represent. Commissioner Peeler asked if the \$281,576 was for all the counties. Ms. Britt said that it was for all ten counties. Ms. Britt asked that the Clerk to the Board return the letter stating that the application was presented in Perquimans County.

BILL JENNINGS, TAX ADMINISTRATOR

Bill Jennings presented his monthly report.

UPDATES FROM COUNTY MANAGER

County Manager Heath presented the following updates:

- **FY 2012-13 Audit:** County Manager Heath reported that the FY 2012-13 Audit will be presented to the Board at the December meeting. He and Finance Officer, Sharon Ward, are still reviewing it at this time and it looks good.
- **Animal Shelter:** Mr. Heath reported that the Animal Shelter was due to reopen from their renovations on November 1st.
- **Single Family Rehab Grant:** They made their final inspections last week and everything looked good. He further stated that we were eligible to apply for the grant again in 2014. He recommends that we continue to use The Wooten Company to administer this program. More information on this will be at a later date. Commissioner Miller-White asked if they would present a "before" and "after" report to the Board. Mr. Heath said that he would ask them to do that.
- **County Librarian:** Mr. Heath reported that our librarian, Judi Bugniazet, was promoted to Regional Director of the Pettigrew Library System and has left Perquimans County Library. They are interviewing for her replacement.
- **Golden Leaf Grant:** The application has been submitted and we should hear something back from them by the end of this week.
- **Lewis Smith:** As it was reported in the Consent Agenda, Lewis Smith, Extension Director, is retiring in January, 2014. Not only does he oversee the Extension Office, he is the Crop Agent which is very important to our farming community. He has requested Dr. Travis Burke that this position needs to be filled as soon as possible. It is likely that Dr. Burke will be acting as the Interim Director.

COMMISSIONER'S CONCERNS/COMMITTEE REPORTS

There being no concerns or Committee Reports, Chair Cole continued with the meeting.

PLANNING BOARD ITEMS

Donna Godfrey, County Planner, presented the following items for Board action:

Administrative Text Amendment No. TXT-13-03: A Public Hearing was held earlier in the meeting to receive public comments on the consideration of Administrative Text Amendment No. TXT-13-03, to amend the County's Zoning Ordinance, Articles VIII and XXII, pertaining to the Communications Tower Ordinance: Regulating the Deployment of Telecommunications Infrastructure, to comply with Section 153A-349.53 of the NCGS (as amended by S.L. 2013-185 [HB 664]), to clarify requirements for applications entitled to streamlined processing, including changes to the tower or support structure; adding/defining DAS (Distributed Antennas Systems) Facilities; establish a Post-Construction Approval process and fee; and change the spelling of "collocation" and other typographical errors. Kyle Jones made the motion to find Administrative Text Amendment No. TXT-13-03 to advance the public health, safety and general welfare, encourage orderly development, protect the quality of the environment, and regulate the location and use of structures and land for commerce, industry, and residences in accordance with the (County's) Land Use Plan and, therefore, to find it consistent with the specific intent of the Ordinance; and to approve Case No. TXT-13-03, to amend Articles VIII and XXII of the Zoning Ordinance, pertaining to the "Communications Tower Ordinance: Regulating the Deployment of Telecommunications Infrastructure," to comply with Section 153A-349.53 of the NCGS (as amended by S.L. 2013-185 [H.B. 664]), to clarify requirements for eligible facilities request applications (including changes to the tower or support structure); to add and define DAS (Distributed Antennas Systems) Facilities; to establish Post-Construction Approval Process and fee; and to change the spelling of "collocation" and correct other typographical errors, including those brought to the meeting tonight, based upon the following Policy Guidelines contained in Sections 1302B(1) through (4) of the Zoning Ordinance:

Every proposed amendment, supplement, change, modification, or repeal of this Ordinance shall be referred to the Planning Board for its recommendation and report. The Planning Board shall hold a public meeting, at which the Board of County Commissioners may sit concurrently with the Planning Board if the Board of Commissioners so desires. Pursuant to Article XXIII, Notice of the public meeting shall be mailed to adjoining property owners in the envelopes provided by the applicant and notice shall be made by posting the property concerned. The Board of County Commissioners shall receive written notice of the meeting and its subject matter from the Planning Board.

- B. In evaluating any proposed ordinance text amendment, the Planning Board and the County Commissioners shall consider the following:

- (1) The extent to which the proposed text amendment is consistent with the remainder of the Ordinance, including, specifically, any purpose and intent statements;
- (2) The extent to which the proposed text amendment represents a new idea not considered in the existing Ordinance, or represents a revision necessitated by changing circumstances over time;
- (3) Whether or not the proposed text amendment corrects an error in the Ordinance; and
- (4) Whether or not the proposed text amendment revises the Ordinance to comply with state or federal statutes or case law.

In deciding whether to adopt a proposed Ordinance text amendment, the central issue before the Board of County Commissioners is whether the proposed amendment advances the public health, safety or welfare and is consistent with any adopted County Land Use Plan documents, the CAMA Land Use Plan, and the specific intent of this Ordinance.

The motion was seconded by Matthew Peeler and unanimously approved by the Board. *(See Attachment A – Ordinance No. 88)*

FY 2013-14 Fee Schedule Amendment – Planning & Zoning: Donna Godfrey presented a request to make the following changes in the FY 2013-14 Fee Schedule – Planning & Zoning:

Changes are proposed to the Planning & Zoning Fee Schedule to establish the Post-Construction Approval Fee and to harmonize with the new North Carolina statute pertaining to Wireless Telecommunications Facilities, as follows:

- For New Towers (Total \$500 minimum County Fees and \$6,500 Maximum Consultant fees):
 - The total processing and advertising fee to be charged by the County remains unchanged (\$500), with a new Certificate of Zoning Compliance fee of \$100 proposed only if needed for subsequent site visits; and
 - The new fee to be charged by CityScape Consultants is going to be a maximum of \$6,500 which includes the application review fee and any subsequent post-construction inspections or reviews pertaining to the new tower,
- For “Eligible Facilities Requests” under the new North Carolina law:
 - The total processing fee to be charged by the County remains unchanged (\$500), with a new Certificate of Zoning Compliance fee of \$100 proposed only if needed for subsequent site visits; and
 - The Consultant’s review fee will be reduced to \$500, per the State’s new \$1,000 cap for application review, with a new Post-Construction Inspection Fee of \$3,000 (for a total of \$3,500).

Benjamin C. Hobbs made a motion to approve the following FY 2013-14 Fee Schedule – Planning/Zoning adjustments for Wireless Telecommunications Fees:

**FEE SCHEDULE
FY 2013-2014**

There is hereby established, for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amended fees for services as indicated:

Planning/Zoning	
Zoning Permit(Residential/Home Occupation)	\$0.00
Zoning Permit (for Commercial/Industrial)	\$100.00
Certificate of Compliance (after first site visit)	\$100.00
Sign Permit	\$50.00
Certificate of Compliance (after first site visit)	\$50.00
Zoning Map Change (Re-Zoning)	\$450.00
Zoning Text Change	\$500.00
Planned Unit Development	\$600.00 + atty. & eng. Fees, i/a
Conditional Use District	\$300 + atty. & eng. Fees, i/a
Appeal or Interpretation	\$300.00
Zoning Variance Request	\$300.00
Variance to Subdivision Regulations	\$100.00
Subdivision Sketch Plat	\$100.00
Minor or Abbreviated Subdivision Plat	\$50.00
Preliminary Plat	\$100 + \$15 per lot
Final Plat	\$100 + \$15 per lot
<u>Wireless Telecommunication Facility</u>	<u>\$500 + cost of consultant* (\$3500 minimum)</u>
<u>Wireless Telecommunication Facility</u>	<u>\$500 County fee* + \$6,500.00 minimum cost of consultant</u>
<u>Certificate of Zoning Compliance (after first site visit)</u>	<u>\$100.00 County fee</u>
<u>Wireless Telecommunication Facility (eligible facilities request applications processed per NC 153A-349.53 [S.L. 2013-185 (H.B. 6641)]</u>	<u>\$500 County fee* + \$500.00 minimum cost of consultant</u>
<u>Certificate of Zoning Compliance (after first site visit)</u>	<u>\$100.00 County fee</u>
<u>Certificate of Zoning Compliance (Consultant fee for verification)</u>	<u>\$3,000.00 maximum cost of consultant</u>

**Fees denoted for a given application do not include fees for subsequent applications and stages of review.*

** Additional public notices in the newspaper or re-notification letters to adjacent and nearby property owners required for continued or additional public meetings and/or hearings will be made at the Applicant's expense.*

The motion was seconded by Tammy Miller-White and unanimously approved by the Board.

BOARD OF EDUCATION REQUEST FOR ABANDONED SHELTER AT OLD EMS BUILDING

Jonathan Nixon, Director of Maintenance, Construction & Custodial Services, has forwarded a letter to County Manager Heath requesting that the County give the abandoned shelter at the old EMS Building to the Perquimans County School System to house the football practice equipment. Mr. Heath explained that he has not discussed this with Lewis Smith, Extension Office, or Clayton Griffin but he thought that the Board could take action on the request pending Mr. Heath’s conversation with Mr. Smith and Mr. Griffin. On motion made by Benjamin C. Hobbs, seconded by Tammy Miller-White, the Board unanimously approved Mr. Nixon’s request pending Mr. Heath’s conversation with Mr. Smith and Mr. Griffin.

APPOINTMENT: DEPUTY

County Manager Heath explained that this item was left off of the Consent Agenda. He further explained that, during the budget process, the Board approved for a deputy to be the School Resource Officer at Perquimans Central and Middle Schools and that ten months of his salary would be paid by the Board of Education and the County would pay two months. David Murray has assumed those responsibilities. This deputy would step into his place. On motion made by Tammy Miller-White, seconded by Matthew Peeler, the Board unanimously appointed Ronald Darryl Greer, Jr. as a deputy at Grade 65/Step 4 at a salary of \$32,442 effective November 1, 2013.

PUBLIC COMMENTS

There were no public comments.

ADJOURNMENT

There being no further comments or business to discuss, the Regular Meeting was adjourned at 7:35 p.m. on motion made by Tammy Miller-White, seconded by Matthew Peeler.

Janice McKenzie Cole, Chair

Clerk to the Board

ATTACHMENT A

-Beginning of Ordinance document to be recorded-
Administrative Text Amendment No. TXT-13-03
Perquimans County Zoning Ordinance
Amend Articles VIII & XXII regarding
Communications Tower regulations

PURPOSES: To comply with Section 153A-349.53 of the NCGS (as amended by S.L. 2013-185 [H.B. 664]) to clarify requirements for eligible facilities request applications (including changes to the tower or support structure); to add and define DAS (Distributed Antennas Systems) Facilities; to establish Post-Construction Approval Process and fee; and to change the spelling of “collocation” and correct other typographical errors.

NOTES: The attached Draft Ordinance contains proposed text amendments as follows:

- 1) Changes initiated by CityScape Consultants and recommended for approval by the Planning Board at October 8th meeting are shown in single line “Strikethrough and Underline” pattern with yellow highlights; and
- 2) Changes recommended by CityScape after the Planning Board’s October 8th meeting, to make “form over substance” type changes in the terminology previously referred to as “streamlined applications” are shown in double line “Strikethrough and Underline” pattern with grey highlights.
- 3) Changes presented to the BCC at the Public Hearing on 11-4-13 include typographical and formatting errors which are shown in italics with single line “Strikethrough and Underline” pattern and aqua highlights.

-DO NOT RECORD THIS PAGE-

ORDINANCE NO. 88

AN ORDINANCE OF PERQUIMANS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF NORTH CAROLINA, AMENDING, ADDING AND REPEALING SECTIONS OF THE *PERQUIMANS COUNTY ZONING ORDINANCE* AS ADOPTED BY ORDINANCE NO. 35, AS PREVIOUSLY AMENDED; THIS ORDINANCE AMENDS THE TABLE OF CONTENTS AND ARTICLES VIII AND XXII PERTAINING TO THE “*COMMUNICATIONS TOWER ORDINANCE: REGULATING THE DEPLOYMENT OF TELECOMMUNICATIONS INFRASTRUCTURE*” TO COMPLY WITH NCGS 153A-349.53 (AS AMENDED BY S.L. 2013-185 [H.B. 664]) TO CLARIFY REQUIREMENTS FOR ELIGIBLE FACILITIES REQUEST APPLICATIONS (INCLUDING CHANGES TO THE TOWER OR SUPPORT STRUCTURE); TO ADD AND DEFINE DAS (DISTRIBUTED ANTENNAS SYSTEMS) FACILITIES; TO ESTABLISH A POST-CONSTRUCTION APPROVAL PROCESS AND FEE; AND TO CHANGE THE SPELLING OF “COLLOCATION” AND CORRECT OTHER TYPOGRAPHICAL ERRORS INCLUDING ACKNOWLEDGEMENT IN ARTICLE VIII OF ALL THE VARIOUS TOWERS PERMITTED AND REGULATED BY ARTICLE XXII; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PERQUIMANS COUNTY, NORTH CAROLINA THAT:

Section 1. Perquimans County Ordinance No. 35 (*Zoning Ordinance*), as previously amended, is hereby amended by revising and correcting the Table of Contents and Articles VIII and XXII pertaining to Communications Tower regulations to comply with NCGS 153A-349.53 (as amended by S.L 2013-185 [H.B. 664]) to clarify requirements for eligible facilities request applications (including changes to the tower or support structure); to add and define DAS (distributed antennas systems) facilities; to establish a post-construction approval process and fee; and to change the spelling of “collocation” and correct other typographical errors including acknowledgement in Article VIII of all the various towers permitted and regulated by Article XXII; establishing measurable objectives for administrative implementation thereof and by adding and substitution the following excerpt of **Articles VIII and XXII, attached hereto as **Exhibits A, B and C** incorporated herein by reference, in its stead;**

Section 2. Severance Clause. It is the intent of the Board of County Commissioners of Perquimans County, North Carolina, and it is hereby provided, that if any section, subsection, sentence, clause, phrase or provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance; and

Section 3. Effective Date. This Ordinance shall take effect upon its passage and enactment. This Ordinance shall be recorded in a book kept and maintained by the Clerk of the Board of County Commissioners of Perquimans County, North Carolina.

PASSED AND ENACTED by the Board of County Commissioners of Perquimans County, North Carolina, this 4th day of November, 2013.

**BOARD OF COUNTY COMMISSIONERS OF
PERQUIMANS COUNTY, NORTH CAROLINA**

By: _____
Janice McKenzie Cole, Chair

ATTEST:

Mary P. Hunnicutt, Clerk to the Board

Effective Date: _____

Exhibit "A"

Article XXI	Communications Tower Corridor Overlay District	XXI-1
Section 2101	Objective and Purpose	XXI-1
Section 2102	Communications Tower Corridor Overlay District Designation and Underlying Zoning	XXI-1
Section 2103	Designation of District	XXI-1
Section 2104	Development Standards	XXI-1
Section 2105	Administration	XXI-2
Article XXII	Communications Tower Ordinance: Regulating the Deployment of Telecommunications Infrastructure	XXII-1
Section 2201	Purpose and Authority	XXII-1
Section 2202	Jurisdiction	XXII-2
Section 2203	Exemptions	XXII-2
Section 2204	General Provisions	XXII-3
Section 2205	Antennas, permitted & Conditional Use Towers & Associated Equipment	XXII-5
Section 2206	Permit (Level I) Amateur Radio Towers	XXII-8
Section 2207	Permit (Level II) <u>Co-location Collocation</u> , Combination, Attachment, <u>DAS</u> , Antenna Element Replacement, Replacement Towers and Concealed Towers	XXII-8
Section 2208	Permit (Level III) New Non-Concealed Towers	XXII-14
Section 2209	Permit (Level IV) Broadcast Facilities	XXII-17
Section 2210	Application Requirements	XXII-19
Section 2211	Review & Decision Making Bodies	XXII-24
Section 2212	Text Amendments	XXII-25
Section 2213	Administration, Fees, Enforcement & Penalties	XXII-25
<u>Section 2214</u>	<u>Post Construction Approval Fees & Certificate of Zoning Compliance</u>	<u>XXII-29</u>
Section <u>22154</u>	Interpretation of Certain Terms & Definitions	XXII-29
Article XXIII	Hearing Procedures for Appeals and Applications	XXIII-1
Section 2301	Hearing Required on Appeals and Applications	XXIII-1
Section 2302	Notice of Hearing	XXIII-1
Section 2303	Evidence	XXIII-2
Section 2304	Modification of Application at Hearing	XXIII-3
Section 2305	Record	XXIII-3
Section 2306	Written Decision	XXIII-3
Article XXIV	Definitions and Word Interpretations	XXIV-1

Exhibit "B"

ARTICLE VIII. TABLE OF PERMITTED & CONDITIONAL USES

Section 801. Table of Uses:

The letter “P” indicates those Zoning Districts in which particular uses or similar uses are permitted as a Use by Right with or without certain conditions as provided elsewhere in this Ordinance.

The letter “C” indicates those Zoning Districts in which particular uses or similar uses are permitted as a Conditional Use upon approval of the Board of County Commissioners. See also Article IX, Conditional Uses, for details of each Conditional Use.

A blank cell indicates those Zoning Districts in which particular uses or similar uses are prohibited.

Uses not indicated are prohibited.

Article VIII. Table of Uses (page 6 of 6)

USES	RA	HA	RA-43	RA-25	RA-15	CR	CN	CH	IL	IH
Small Scale Solar in front yard of single family residence on less than two acres within routine view of adjacent lots or road R/W	C	C	C	C	C			C		
Subdivisions, Major			P	P	P	P	P	P	P	P
Subdivisions, Minor	P	P	P	P	P	P	P	P	P	P
Swimming Pool	P		P	P	P			P		
Telecommunications Infrastructure	Zoning District Regulations governing Antennas, Permitted and Conditional Use Towers & Associated Equipment vary pursuant to Article XXII, Table 2205-B									
Temporary Construction Buildings (must be removed within 30 days of receipt of Certificate of Occupancy)	P	P	P	P	P	P	P	P		
Textile Products Manufacturing									P	P
Toxic Chemicals Processing or Disposal										C
Transportation and Freight Terminals						P		P	P	P
Truck Driving School									C	
Vehicle Service Stations (including Car Washes)						P	P	P	P	P
Veterinary Clinics			C			P		C		
Video Sweepstakes Operation/Electronic Gaming Operation/Internet Sweepstakes Cafe								C		
Warehousing, Storage, and Distribution Facilities									P	P
Welding						P			P	P
Wholesale and Retail Trade, such as building supplies, farm equipment, feed and seed, office equipment and supplies, large household appliances, plumbing and electrical fixtures, wholesale businesses, and lumber yards								C	P	
Wind Energy Facilities, Small	P		C	C	C	C	C	C	C	C
Wind Energy Facilities, Medium	C					C	C	C	C	C
Wind Energy Facilities, Large	C									
Wireless Communications Towers	C									
Woodworking						P				
Woodworking and Wood Products						C			C	C

P=Permitted Use (subject to review by Zoning Administrator/TRC for compliance with minimum design standards).
 C=Conditional Use (subject to issuance of Conditional Use Permit by BCC following Planning Board’s recommendation).

Exhibit “C”
ARTICLE XXII. COMMUNICATIONS TOWER ORDINANCE:
REGULATING THE DEPLOYMENT OF
TELECOMMUNICATIONS INFRASTRUCTURE

Section 2201. Purpose and Authority

(a) Title

This Article shall be known and may be cited as the “Communications Tower Ordinance of Perquimans County, North Carolina” also known as “Article XXII”, “the Cell Tower Ordinance”, “this Ordinance” and “Ordinance” herein. Other excerpts of the Perquimans County Zoning Ordinance may be cited as “the Zoning Ordinance” and “zoning regulations.”

(b) Purpose

The purpose of Article XXII, Communications Tower Ordinance is to establish general guidelines for the locating of telecommunications towers, antenna, ground equipment and related accessory structures. The purpose and intent of Article XXII are to:

- (1) Promote the health, safety, and general welfare of the public by regulating the locating of telecommunication facilities.
- (2) Minimize the impacts of telecommunication facilities on surrounding land uses by establishing standards for location, structural integrity, and compatibility.
- (3) Encourage the location and ~~co-location~~ **collocation** of telecommunication equipment on existing structures thereby minimizing new visual, aesthetic, and public safety impacts, effects upon the natural environment and wildlife, and to reduce the need for additional towers.
- (4) Accommodate the growing need and demand for telecommunication services.
- (5) Encourage coordination between suppliers and providers of telecommunication services.
- (6) Establish predictable and balanced codes governing the construction and location of telecommunications facilities within the confines of permissible local regulations.
- (7) Establish review procedures to ensure that applications for telecommunications facilities are reviewed and acted upon within a reasonable period of time.
- (8) Respond to the policies embodied in the Telecommunications Act of 1996 in such a manner as not to unreasonably discriminate between providers of functionally equivalent personal wireless services or to prohibit or have the effect of prohibiting personal wireless services.
- (9) Respond to the policies of the State of North Carolina.
- (10) Protect the character of the County while meeting the needs of its citizens to enjoy the benefits of telecommunications services.
- (11) Encourage the use of public lands, buildings, and structures as locations for Telecommunications infrastructure demonstrating concealed technologies and revenue generating methodologies.

(c) Authority

The provisions of this Communications Tower Ordinance are adopted under authority granted by the General Assembly of the State of North Carolina with particular reference to Article 6 of Chapter 153A of the North Carolina General Statutes.

(d) Effective Date

This Ordinance shall be effective from and after the date of its adoption by the Perquimans County Board of Commissioners.

(e) Repeal of Pre-Existing Wireless Telecommunications Facilities Ordinance

The provisions and requirements of this Cell Tower Ordinance supersede all the provisions and requirements of the pre-existing Perquimans County Zoning Ordinance, Article XXII, Wireless Telecommunications Facilities Ordinance adopted on October 2, 2002 and amended through February 4, 2008.

Section 2202. Jurisdiction

These regulations shall govern the establishment and maintenance of communications towers. Provisions of this Ordinance shall apply uniformly to all areas within the jurisdiction of Perquimans County.

Section 2203. Exemptions

(a) Existing Communications Towers

Communications towers existing prior to the October 2, 2002 adoption of Article XXII, Wireless Telecommunication Facilities regulations or permitted prior to the July 7, 2010 adoption of this Article XXII, Communications Tower Ordinance shall be allowed to continue to operate provided they met the requirements set forth by Perquimans County at the time of final inspection; not including any communications towers that are currently in violation of this Ordinance and the pre-existing Article XXII, Wireless Telecommunications Facilities Ordinance.

(b) Exempt Facilities

The following items are exempt from the provisions of Article XXII; notwithstanding any other provisions:

- (1) Any tower less than fifty (50) feet in height or communications towers existing or permitted prior to the adoption of this Ordinance.
- (2) Satellite earth stations that are one (1) meter (39.37 inches) or less in diameter in all residential zoning districts and two (2) meters or less in all other zoning districts.
- (3) Antennas for reception only of over-the-air Television stations.
- (4) A government-owned communications facility, upon the declaration of a state of emergency by federal, state, or local government, and a written determination of public necessity by the County designee; except that such facility must comply with all federal and state requirements. No communications facility shall be exempt from the provisions of this division beyond the duration of the state of emergency.
- (5) A government-owned communications facility erected for the purposes of installing antenna(s) and ancillary equipment necessary to provide communications for public health and safety.
- (6) A temporary, commercial communications facility, upon the declaration of a state of emergency by federal, state, or local government, or determination of public necessity by the County and approved by the County; except that such facility must comply with all federal and state requirements. The communications facility may be exempt from the provisions of this division up to three (3) months after the duration of the state of emergency.
- (7) A temporary, commercial communications facility, for the purposes of providing coverage of a special event such as news coverage or sporting event, subject to approval by the County, except that such facility must comply with all federal and state requirements. Said communications facility may be exempt from the provisions of this division up to one (1) week after the duration of the special event.

Section 2204. General Provisions(a) Application of this Ordinance

This Ordinance shall apply to the development activities including installation, construction, or modification of all antenna and tower facilities including but not limited to:

- (1) Noncommercial, amateur radio station antennas.
- (2) Existing towers.
- (3) Proposed towers.
- (4) Public towers.
- (5) Mitigation of towers.
- (6) Co-location on existing towers.
- (7) Attached wireless communications facilities.
- (8) Concealed wireless communications facilities.
- (9) Non-concealed towers
- (10) Broadcast facilities.

(b) Abandonment (Discontinuance of Use)

- (1) Towers, antennas, and the equipment compound shall be removed, at the owner's expense, within 180 days of cessation of use, unless the abandonment is associated with mitigation as provided in the 'Mitigation' section of this Ordinance, in which case the removal shall occur within ninety (90) days of cessation of use. An owner wishing to extend the time for removal or reactivation shall submit an application stating the reason for such extension. The County may extend the time for removal or reactivation up to sixty (60) additional days upon a showing of good cause. If the tower or antenna is not removed within this time, the County may demand a daily fine in an amount described in the County's code of fees.

- (2) Upon removal of the tower, antenna, and equipment compound, the development area shall be returned to its natural state and topography and vegetated consistent with the natural surroundings or consistent with the current uses of the surrounding or adjacent land at the time of removal, excluding the foundation, which does not have to be removed.
- (c) Conflict with Other Laws or Regulations
When the requirements of this Ordinance conflict with the requirements of other lawfully adopted rules, regulations, or ordinances of Perquimans County, or deeds restrictions imposed by the developer or subdivider, the more stringent requirements shall govern.
- (d) Severability of Ordinance
Should any section or provisions of this Ordinance be decided by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.
- (e) Interference with Public Safety Communications
In order to facilitate the regulation, placement, and construction of antenna, and to ensure that all parties are complying to the fullest extent possible with the rules, regulations, and/or guidelines of the FCC, each owner of an antenna, antenna array or applicant for a ~~co-~~location collocation shall agree in a written statement to the following:
- (1) Compliance with FCC regulations regarding susceptibility to radio frequency interference, frequency coordination requirements, general technical standards for power, antenna, bandwidth limitations, frequency stability, transmitter measurements, operating requirements, and any and all other federal statutory and regulatory requirements relating to radio frequency interference (RFI).
 - (2) In the case of an application for ~~co-located~~ collocation telecommunications facilities, the applicant, together with the owner of the subject site, shall use their best efforts to provide a composite analysis of all users of the site to determine that the applicant's proposed facilities will not cause radio frequency interference with the County's public safety communications equipment and will implement appropriate technical measures, as described in antenna element replacements, to attempt to prevent such interference.
 - (3) Whenever the County has encountered radio frequency interference with its public safety communications equipment, and it believes that such interference has been or is being caused by one or more antenna arrays, the following steps shall be taken:
 - (a) The County shall provide notification to all wireless service providers operating in the County of possible interference with the public safety communications equipment, and upon such notifications, the owners shall use their best efforts to cooperate and coordinate with the County and among themselves to investigate and mitigate the interference, if any, utilizing the procedures set forth in the joint wireless industry-public safety "Best Practices Guide," released by the FCC in February 2001, including the "Good Engineering Practices," as may be amended or revised by the FCC from time to time.
 - (b) If any equipment owner fails to cooperate with the County in complying with the owner's obligations under this section or if the FCC makes a determination of radio frequency interference with the County public safety communications equipment, the owner who failed to cooperate and/or the owner of the equipment which caused the interference shall be responsible, upon FCC determination of radio frequency interference, for reimbursing the County for all costs associated with ascertaining and resolving the interference, including but not limited to any engineering studies obtained by the County to determine the source of the interference. For the purposes of this subsection, failure to cooperate shall include failure to initiate any response or action as described in the "Best Practices Guide" within twenty-four (24) hours of County's notification.
- (f) Annual Tower Certification Report
All towers within Perquimans County shall produce to the County once yearly a certification that the tower has had no changes or made no additions since the previous certification. This certification is due no later than August 1st of each year.

Section 2205. Antennas, Permitted & Conditional Use Towers & Associated Equipment

- (a) Building Code Requirements

Towers shall be constructed and maintained in conformance with all applicable building code requirements.

(b) Communications Tower Permits Required

- (1) Tower Permit (Level I)- The permit issued by the Planning and Zoning Administrator as designated by this Ordinance, to an individual, corporation, partnership, or other entity to engage in the creation of amateur radio tower.
- (2) Tower Permit (Level II)- The permit issued by the Planning and Zoning Administrator as designated by this Ordinance to an individual, corporation, partnership, or other entity to engage in co-location collocation, attached antennas, antenna element replacements, tower mitigation, or new concealed towers, excluding amateur radio towers.
- (3) Tower Permit (Level III)- The Conditional Use Permit issued by the Planning and Zoning Administrator (after public hearing and approval by the Board of County Commissioners) as designated by other articles of the Zoning Ordinance, to an individual, corporation, partnership, or other entity to engage in the creation of new non-concealed towers, excluding amateur radio towers.
- (4) Tower Permit (Level IV)- The Conditional Use Permit issued by the Planning and Zoning Administrator (after public hearing and approval by the Board of County Commissioners) as designated by other articles of this Zoning Ordinance, to an individual, corporation, partnership, or other entity to engage in the creation of new towers, specifically broadcast facilities.

Table 2205-A: Tower Permit Level Requirements

Permit Level	Issued by	Permit Type	Use
I	Planning and Zoning Administrator review for compliance with specific criteria	P	Amateur radio no greater than ninety (90) feet in height
II	Planning and Zoning Administrator review for compliance with specific criteria	P	<u>Co-location Collocation</u> , attached antennas, <u>antenna element</u> replacement and <u>tower</u> mitigation, and new concealed towers
III	BCC (following Planning Board’s review and recommendation)	C	New non-concealed towers
IV	BCC (following Planning Board’s review and recommendation)	C	Broadcast facilities

Key: P = Permitted by Right; C = Conditional Use Permit; BCC = Board of County Commissioners

(c) Locating Alternatives Order

- (1) Locating of New Antenna Array & New Towers: Locating of a new antenna array and new tower shall be in accordance with the preferred locating alternatives order:
 - (a) Concealed attached antenna
 - (i) On publicly-owned property
 - (ii) On non publicly-owned property
 - (b) Co-located Collocation, DAS or combined antenna on existing tower
 - (i) On publicly-owned property
 - (ii) On non publicly-owned property
 - (c) Non-concealed attached antenna
 - (i) On publicly-owned property
 - (ii) On non publicly-owned property
 - (d) Mitigation of existing tower
 - (i) On publicly-owned property
 - (ii) On non publicly-owned property
 - (e) Concealed freestanding tower
 - (i) On publicly-owned property
 - (ii) On non publicly-owned property
 - ~~(e) Non-concealed freestanding tower~~
 - ~~(f) Non-concealed freestanding tower~~
 - (i) On publicly-owned property
 - (ii) On non publicly-owned property
- (2) Locating of Attached, Co-located Collocation, DAS, and Combined Antenna: For attached, co-located, or combined antenna, the order of ranking preference, highest to

lowest, shall follow the same ranking as provided in Ai through Dii of ‘Locating of New Antenna Array & New Towers’ section above. Where a lower ranked alternative is proposed, the applicant must file relevant information as required including, but not limited to, an affidavit by a radio frequency engineer demonstrating that despite diligent efforts to adhere to the established hierarchy within the geographic search area, higher ranked options are not technically feasible, practical or justified given the location of the proposed communications facility.

(3) **Mitigation & Freestanding Towers:** Where a mitigated or freestanding tower is permitted the order of ranking preference from highest to lowest shall follow the same ranking as provided in Di through Fii of ‘Locating of New Antenna Array & New Towers’ section above. Where a lower ranked alternative is proposed, the applicant must file relevant information as required and demonstrate higher ranked options are not technically feasible, practical, or justified given the location of the proposed communications facility, and the existing land uses of the subject and surrounding properties within 300 feet of the subject property.

(d) **Facility Use Regulations & Required Permits:** New antennas and towers shall be permitted in Perquimans County according to the table below.

Table 2205-B: Antennas, Permitted and Conditional Use Towers, & Associated Equipment

Tower types	RA	HA	RA-43	RA-25	RA-15	CR	CN	CH	IL	IH
Concealed Attached Antenna	II		II (3)	II (3)	II (3)				II	II
Co-located Collocation, DAS or Combining on Existing Tower	II		II (3)	II (3)	II (3)				II	II
Non-Concealed Attached Antenna(5)	II		II (3)	II (3)	II (3)				II	II
Mitigation of Existing Tower	II & III		II & III (3)	II & III (3)	II & III (3)				II & III	II & III
Concealed Freestanding Tower	II								II	II
Non-Concealed Freestanding Tower	III		III (3)	III (3)	III (3)				III & IV	III & IV
Antenna Element Replacement	II	II	II (3)	II (3)	II (3)	II	II	II	II	II
Amateur Radio Tower <= 59.90 feet	I	I	I	I	I	I	I	I	I	I
Broadcast Tower									IV	IV

Notes:

- (1) Level I permits are issued by Planning staff and are permitted in all zoning districts (for amateur radio towers no greater than 90 feet in height);
- (2) Level II permits are issued by Planning staff (and are limited to RA, IL and IH zones for Co-location Collocation, attached antennas, replacement and mitigation, and new concealed towers only and for any existing tower for antenna element replacement activities);
- (3) Level III permits require Conditional Use Permit by Board of County Commissioners (for new non-concealed towers) and are generally limited to RA, IL and IH Zones; however, new Monopole types towers may be considered for County-owned or operated parks or school properties in the RA-15, RA-25 and RA-43 Zones (Level II permits collocated on such new structures would then follow);
- (4) Level IV permits require Conditional Use Permit by BCC and are limited to the IL and IH Zones (for new Broadcast Facilities);
- (5) Non-concealed attached antennas are only allowed on transmission towers and light stanchions.

Section 2206. Permit (Level I) Amateur Radio Towers

(a) **Application Requirements**

All Permit (Level I) applications shall contain the following:

- (1) Completion of the “Communications Tower Ordinance of Perquimans County, North Carolina Application Permit.”
- (2) Application Fee
- (3) Site Plan (see also ‘Application Requirements’)
- (4) Valid FCC amateur operator’s license.

(b) **Tower Heights**

Tower height and location shall comply with federal and state law. Towers shall be of monopole design only and not to exceed ninety (90) feet.

(c) **Setbacks**

A distance equal to the height of the tower shall separate new amateur radio towers from all structures not located on the same parcel as the tower, property lines, right-of-way lines and/or easements. Any relocation of amateur radio towers shall remain on same parcel and must comply with stated Ordinance setback requirements, or, if compliance is not possible, the relocation must not increase the amount by which setbacks are nonconforming, other than increases necessitated solely by changes in size of the base to support the new tower.

Section 2207. Permit (Level II) ~~Co-location~~ Collocation, Combination, Attachment, DAS, Antenna Element Replacement, Replacement Towers and Concealed Towers

(a) Application Requirements

All Permit (Level II) applications shall contain the following:

- (1) Completion of the "Communications Tower Ordinance of Perquimans County, North Carolina Application Permit"
- (2) Application Fee
- (3) Site Plan (see also 'Application Requirements')

(b) ~~Co-location~~ Collocation & Combination

Perquimans County requires co-location and combining of antennas on existing communications towers as a first priority where co-location collocation is possible. Upon enactment of this Ordinance, any person, corporation, partnership, or other entity which intends to co-locate collocate on an existing communications tower within the jurisdiction of this Ordinance must obtain a Permit (Level II). Co-location Collocation are subject to the following:

- (1) A co-located collocation or combined antenna or antenna array shall not exceed the maximum height prescribed in the Conditional Use Permit (if applicable) or increase the height of an existing tower by more than twenty (20) feet and shall not affect any tower lighting.
- (2) New antenna mounts shall be flush-mounted onto existing structures, unless it is demonstrated through radio frequency (RF) propagation analysis that flush-mounted antennas will not meet the network objectives of the desired coverage area.
- (3) The equipment cabinet shall be subject to the setback requirements of the underlying zoning district.
- (4) When a co-located collocation or combined antenna is to be located on a nonconforming building or structure, then the existing permitted nonconforming setback shall prevail.

(5) ~~Applications entitled to the streamlined processes~~ Eligible Facilities Request applications as described in Section 153A160A-349.53400.53, North Carolina General Statutes, (as amended by S.L. 2013-185) shall meet all the following requirements:

- (a) ~~The additional antenna array, transmission lines, and related ancillary equipment including the base station do not exceed the number of same items previously approved for such tower when originally approved, and the collocated facility is in complete conformance with the original conditions imposed on the tower upon which it is being attached.~~
- (a) The proposed co-location collocation shall not increase the overall height and width of the tower or support structure to which the proposed infrastructure is to be attached by the greater of (i) more than ten (10%) percent or (ii) the height of an additional antenna array with separation from the next antenna array of not more than 20 feet.
- (b) The co-location collocation shall not increase the ground space area approved in the communications tower site plan for equipment enclosures and ancillary facilities by more than 2,500 square feet.
- (c) 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 tower that protrudes horizontally from the edge of the tower the greater of (i) more than 20 feet or (ii) more than the width of the tower at the level of the appurtenance.
- (d) The existing tower on which the co-location collocation will attach shall comply with applicable regulations, restrictions, and/or conditions, if any, applied to the initial wireless facilities placed on the tower.
- (e) The proposed additional co-location collocation and tower shall comply with all federal, state, and local safety requirements.
- (f) The proposed co-location collocation and ancillary equipment shall not exceed the applicable weight limits or loads as stated by a North Carolina Registered Professional Engineer.
- (g) Proposed collocations that do not meet the standards of this subsection (5) shall be processed either pursuant to subsection (6) below or pursuant to this Section 2207, as applicable.

- (6) ~~Applications for collocation entitled to streamlined processing~~ Eligible facilities request applications for collocation pursuant to 47 U.S.C. G.S. §1445(a) shall be approved provided they meet the following requirements:
- (a) A collocation on an existing antenna-supporting structure, antenna and/or antenna array more than 10% or 20 feet, whichever is greater, and shall not cause the width (girth) of the structure to be increased more than 20 feet or the existing girth of the structure, whichever is greater.
 - (b) Any collocation on an existing antenna-supporting structure shall meet current building code requirements (including windloading).
 - (c) A collocation shall not add more than 4 additional equipment cabinets or 1 additional equipment shelter to be eligible as a collocation under this subsection (6).
 - (d) A collocation eligible under this subsection (6) shall not require excavation outside of existing leased or owned parcel or existing easements.
 - (e) Proposed collocations that do not meet the standards of this subsection (6) shall be processed either pursuant to subsection (5) above or pursuant to this section 2207, as applicable.

(c) Attachments: Concealed & Non-Concealed

Antennas may be mounted onto a structure which is not primarily constructed for the purpose of holding attachment antennas but on which one (1) or more antennas may be mounted. Upon enactment of this Ordinance, any person, corporation, partnership, or other entity which intends to place an antenna on an alternative structure within the jurisdiction of this Ordinance must obtain a Permit (Level II). Attached antenna shall be subject to the following:

- (1) The top of the attached antenna shall not be more than twenty (20) feet above the existing or proposed building or structure
- (2) Non-concealed attachments shall only be allowed on electrical transmission towers and existing light stanchions subject to approval by the Planning Department and utility company.
- (3) When an attached antenna is to be located on a nonconforming building or structure, the existing permitted nonconforming setback shall prevail.
- (4) Except for non-concealed attached antennas, feed lines and antennas shall be designed to architecturally match the façade, roof, wall, and/or structure on which they are affixed so that they blend with the existing structural design, color, and texture.

(d) Antenna Element Replacements

For any replacement of an existing antenna element on an antenna, the applicant must, prior to making such modifications, submit the following:

- (1) A written statement setting forth the reasons for the modification.
- (2) A description of the proposed modifications to the antenna, including modifications to antenna element design, type and number, as well as changes in the number and/or size of any feed lines, from the base of the equipment cabinet to such antenna elements.
- (3) A signed statement from a qualified person, together with their qualifications, shall be included representing the tower's owner or owner's agent that the radio frequency emissions comply with FCC standards for such emissions. The statement shall also certify that both individually and cumulatively, and with any other facilities located on or immediately adjacent to the proposed facility, the replacement antenna complies with FCC standards.
- (4) A stamped or sealed structural analysis of the existing structure prepared by a registered professional engineer licensed by the State of North Carolina indicating that the existing tower as well as all existing and proposed appurtenances meets North Carolina Uniform Statewide Building Code (USBC) requirements, TIA/EIA-222-G (as amended) including wind loading, for the tower.

(e) Mitigation

- (1) Minimum Mitigation Accomplishments: Mitigation shall accomplish a minimum of one of the following:
 - (a) Reduce the number of towers
 - (b) Reduce the number of nonconforming towers
 - (c) Replace an existing tower with a new tower to improve network functionality resulting in compliance with this Ordinance.
- (2) Mitigation Requirements: Mitigation is subject to the following:
 - (a) No tower shall be mitigated more than one (1) time.
 - (b) Height: Level II and Level III

- (i) Level II: The height of a tower approved for mitigation shall not exceed one hundred and fifteen percent (115%) of the height of the tallest tower that is being mitigated. (For example, a 250 foot existing tower could be rebuilt at 287.5 feet)
- (ii) Level III: The height of a tower may exceed one hundred and fifteen percent (115%) of the height of the tallest tower that is being mitigated approved for mitigation with undisputable evidence that the new tower will eliminate the need for an additional antenna array within a distance of two (2) miles. Under no circumstance shall any mitigated tower exceed a height of 300 feet.
 - (1) Setbacks: A new tower approved for mitigation of an existing tower shall not be required to meet new setback standards so long as the new tower and its equipment compound are no closer to any property lines or dwelling units as the tower and equipment compound being mitigated. The intent is to encourage the mitigation process, not penalize the tower owner for the change out of the old facility. (For example, if a new tower is replacing an old tower, the new tower is permitted to have the same setbacks as the tower being removed, even if the old tower had nonconforming setbacks.)
 - (2) Breakpoint technology: A newly mitigated monopole or lattice tower shall use breakpoint technology in the design of the replacement facility.
 - (3) Buffers: At the time of mitigation, the tower equipment compound shall be brought into compliance with any applicable buffer requirements.
 - (4) Visibility: Mitigated antenna-supporting structures shall be configured and located in a manner that minimizes adverse effects on the landscape and adjacent properties, with specific design considerations as to height, scale, color, texture, and architectural design of the buildings on the same and adjacent zoned lots.

(f) Concealed Towers

- (1) All new communications towers intended to replace an existing tower where the new tower meets the following requirements:
 - (a) Completion of the “Communications Tower Ordinance of Perquimans County, North Carolina Application Permit.”
 - (b) Application Fee
 - (c) Site Plan (see also ‘Application Requirements’)
- (2) Height: New concealed towers shall be limited to 199 feet or less in height. In residential zones the maximum height shall be 125 feet. Height calculations shall include above ground foundations, but exclude lightning rods or lights required by the FAA that do not provide any support for antennas.
- (3) Setbacks: New freestanding towers and equipment compounds shall be subject to the setbacks described below for breakpoint technology:
 - (a) If the tower has been constructed using breakpoint design technology (see ‘Definitions’), the minimum setback distance shall be equal to 110 percent (110%) of the distance from the top of the structure to the breakpoint level of the structure, or the minimum side and rear yard requirements, whichever is greater. Certification by a registered professional engineer licensed by the State of North Carolina of the breakpoint design and the design’s fall radius must be provided together with the other information required herein from an applicant. (For example, on a 100-foot tall monopole with a breakpoint at eighty (80) feet, the minimum setback distance would be twenty-two (22) feet (110 percent of twenty (20) feet, the distance from the top of the monopole to the breakpoint) plus the minimum side or rear yard setback requirements for that zoning district.)
 - (b) If the tower is not constructed using breakpoint design technology, the minimum setback distance shall be equal to the height of the proposed tower.
- (4) Equipment Cabinets: Cabinets shall not be visible from pedestrian and right-of-way views. Cabinets may be provided within the principal building, behind a screen on a rooftop, or on the ground within the fenced-in and screened equipment compound.
- (5) Fencing: All equipment compounds shall be enclosed with an opaque fence or masonry wall in residential zoning districts, and in any zoning district when the equipment compound adjoins a public right-of-way. Alternative equivalent screening may be approved through the site plan approval process described in section 6.6(E) below.
- (6) Buffers: The equipment compound shall be landscaped with a minimum ten (10) foot wide perimeter buffer containing the following planting standards:
 - (a) All plants and trees shall be indigenous to this part of North Carolina.
 - (b) Existing trees and shrubs on the site should be preserved and may be used in lieu of required landscaping as approved by the Planning Department.

- (c) One (1) row of evergreen trees with a minimum two (2) inch caliper, twenty-five (25) foot on center.
 - (d) Evergreen shrubs capable of creating a continuous hedge and obtaining a height of at least five (5) feet shall be planted, minimum three (3) gallon or twenty-four (24) inches tall at the time of planting, five (5) foot on center.
 - (e) Alternative landscaping plans which provide for the same average canopy and under story trees but propose alternative locating on the entire subject property may be considered and approved by the Planning Department, provided the proposed alternative maximizes screening as provided above, and is otherwise consistent with the requirements of this section.
- (7) Signage: Commercial messages shall not be displayed on any tower. Required noncommercial signage shall be subject to the following:
- (a) The only signage that is permitted upon a tower, equipment cabinets, or fence shall be informational, and for the purpose of identifying the tower (such as ASR registration number), as well as the party responsible for the operation and maintenance of the facility, and any additional security and/or safety signs as applicable.
 - (b) If more than 220 volts is necessary for the operation of the facility and is present in a ground grid or in the tower, signs located every twenty (20) feet and attached to the fence or wall shall display in large, bold, high contrast letters, minimum height of each letter four (4) inches, the following: "HIGH VOLTAGE - DANGER."
 - (c) Name plate signage shall be provided, in an easily visible location, including the address and telephone number of the contact to reach in the event of an emergency or equipment malfunction, including property manager signs as applicable.
- (8) Lighting: Lighting on towers shall not exceed the Federal Aviation Administration (FAA) minimum standards. All other lighting shall be subject to the following.
- (a) 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. Dual lighting standards are required and strobe light standards are prohibited unless required by the FAA.
 - (b) Lights shall be oriented so as not to project directly onto surrounding property or rights-of-way, consistent with FAA requirements.
- (9) Equipment Compound: The fenced-in compounds shall not be used for the storage of any excess equipment or hazardous materials. No outdoor storage yards shall be allowed in a tower equipment compound. The compound shall not be used as habitable space.
- (10) Visibility
- (a) New towers shall be configured and located in a manner that shall minimize adverse effects including visual impacts on the landscape and adjacent properties.
 - (b) New freestanding towers shall be designed to match adjacent structures and landscapes with specific design considerations such as architectural designs, height, scale, color, and texture.
 - (c) A balloon test shall be required subsequent to the receipt of the photo simulations in order to demonstrate the proposed height and design of the tower. The applicant shall arrange to raise a colored balloon no less than three (3) feet in diameter at the maximum height of the proposed tower, and within fifty (50) horizontal feet of the center of the proposed tower.
 - (d) The applicant shall meet the following for the required balloon test:
 - (i) Applicant must inform the Planning Department and abutting property owners in writing of the date and times, including alternative date and times, of the test at least fourteen (14) days in advance.
 - (ii) The date, time, and location, including alternative date, time and location, of the balloon test shall be advertised in a locally distributed paper by the applicant at least seven (7) but no more than fourteen (14) days in advance of the test date.
 - (iii) The balloon shall be flown for at least four (4) consecutive hours during daylight hours on the date chosen. The applicant shall record the weather during the balloon test.
 - (iv) Re-advertisement will not be required if inclement weather occurs.
 - (e) New antenna mounts shall be flush-mounted, unless it is demonstrated through RF propagation analysis that flush-mounted antennas will not meet the network objectives of the desired coverage area.
 - (f) In residential zoning districts, new towers shall only be permitted on lots whose principal use is not single-family residential, including schools, churches, synagogues, fire stations, parks, and other public property.
 - (g) Towers shall be constructed to accommodate antenna arrays as follows:

- (i) All freestanding towers up to 120 feet in height shall be engineered and constructed to accommodate no less than four (4) antenna arrays.
- (ii) All towers between 121 feet and 150 feet shall be engineered and constructed to accommodate no less than five (5) antenna arrays.
- (iii) All towers between 151 feet and taller shall be engineered and constructed to accommodate no less than six (6) antenna arrays.
- (h) Grading shall be minimized and limited only to the area necessary for the new tower and equipment.

(g) DAS Facilities: DAS facilities shall be processed as attachments as set forth in subsection (c) of this Section 2207.

Section 2208. Permit (Level III) New Non-Concealed Towers

- (a) **Application Requirements:** All Permit (Level III) applications shall contain the following:
 - (1) Completion of the “Communications Tower Ordinance of Perquimans County, North Carolina Application Permit.”
 - (2) Application Fee
 - (3) Site Plan (see also ‘Application Requirements’)
- (b) **Determination of Non Concealment:** No new or mitigated freestanding tower shall be permitted unless the applicant demonstrates that no non-concealed tower can accommodate the applicant’s proposed use; or that use of such existing facilities would prohibit personal wireless services in the geographic search area to be served by the proposed tower.
- (c) **Heights:** Height calculations shall include above ground foundations, but exclude lightning rods or lights required by the FAA that do not provide any support for antennas. It is intended that all new non-broadcasting towers be of monopole design and 199 feet or less in height. However, should a tower be required in excess of 200 feet, under no circumstance shall any tower exceed 300 feet. All new towers in excess of 199 feet shall be subject to the following additional requirements:
 - (1) Undisputable evidence that the antenna service area will be so substantially compromised that there would be a requirement of additional antenna array within a distance of two (2) miles.
 - (2) Towers between 200 feet and 300 feet will be monopole or lattice type design;
 - (3) The tower shall be designed to allow for a future reduction of elevation to no more than 199 feet, or the replacement of the tower with a monopole type structure at such time as the wireless network has developed to the point that such heights can be justified;
 - (4) Any new application which has demonstrated the need for height in excess of 250 feet may request a guyed wire tower only if it can be further demonstrated to the satisfaction of the Planning Board and Board of County Commissioners that a lattice tower is not financially feasible;
 - (5) In Residential zones the maximum height shall be 125 feet.
- (d) **Setbacks:** New freestanding towers and equipment compounds shall be subject to the setbacks described below for breakpoint technology:
 - (1) If the tower is constructed using breakpoint design technology (see Definitions), the minimum setback distance shall be equal to 110 percent of the distance from the top of the structure to the breakpoint level of the structure, or the minimum side and rear yard requirements, whichever is greater. Certification by a registered professional engineer licensed by the State of North Carolina of the breakpoint design and the design’s fall radius must be provided together with the other information required herein from an applicant. (For example, on a 100 foot tall monopole with a breakpoint at eighty (80) feet, the minimum setback distance would be twenty-two (22) feet (110 percent of 20 feet, the distance from the top of the monopole to the breakpoint) plus the minimum side or rear yard setback requirements for that zoning district.)
 - (2) If the tower is not constructed using breakpoint design technology, the minimum setback distance shall be equal to the height of the proposed tower.
- (e) **Equipment Cabinets:** Cabinets shall not be visible from pedestrian and right-of-way views. Cabinets may be provided within the principal building, behind a screen on a rooftop, or on the ground within the fenced-in and screened equipment compound.
- (f) **Fencing:** All equipment compounds shall be enclosed with an opaque fence or masonry wall in residential zoning districts, and in any zoning district when the equipment compound adjoins a public right-of-way. Alternative equivalent screening may be approved through the site plan approval process described in section 7(E) below.

- (g) Buffers: The equipment compound shall be landscaped with a minimum ten (10) foot wide perimeter buffer containing the following planting standards:
- (1) All plants and trees shall be indigenous to this part of North Carolina.
 - (2) Existing trees and shrubs on the site should be preserved and may be used in lieu of required landscaping as approved by the Planning Department.
 - (3) One (1) row of evergreen trees with a minimum two (2) inch caliper, twenty-five (25) foot on center.
 - (4) Evergreen shrubs capable of creating a continuous hedge and obtaining a height of at least five (5) feet shall be planted, minimum three (3) gallon or twenty-four (24) inches tall at the time of planting, five (5) foot on center.
 - (5) Alternative landscaping plans which provide for the same average canopy and under story trees but propose alternative locating on the entire subject property may be considered and approved by the Planning Department, provided the proposed alternative maximizes screening as provided above, and is otherwise consistent with the requirements of this section.
- (h) Signage: Commercial messages shall not be displayed on any tower. Required noncommercial signage shall be subject to the following:
- (1) The only signage that is permitted upon a tower, equipment cabinets, or fence shall be informational, and for the purpose of identifying the tower (such as ASR registration number), as well as the party responsible for the operation and maintenance of the facility, and any additional security and/or safety signs as applicable.
 - (2) If more than 220 volts is necessary for the operation of the facility and is present in a ground grid or in the tower, signs located every twenty (20) feet and attached to the fence or wall shall display in large, bold, high contrast letters, minimum height of each letter four (4) inches, the following: "HIGH VOLTAGE - DANGER."
 - (3) Name plate signage shall be provided, in an easily visible location, including the address and telephone number of the contact to reach in the event of an emergency or equipment malfunction, including property manager signs as applicable.
- (i) Lighting: Lighting on towers shall not exceed the Federal Aviation Administration (FAA) minimum standards. All other lighting shall be subject to the following:
- (1) 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. Dual lighting standards are required and strobe light standards are prohibited unless required by the FAA.
 - (2) Lights shall be oriented so as not to project directly onto surrounding property or rights-of-way consistent with FAA requirements.
- (j) Equipment Compound: The enclosed compound shall not be used for the storage of any excess equipment or hazardous materials. No outdoor storage yards shall be allowed in a tower equipment compound. The compound shall not be used as habitable space.
- (k) Visibility:
- (1) New towers shall be configured and located in a manner that shall minimize adverse effects including visual impacts on the landscape and adjacent properties.
 - (2) New freestanding towers shall be designed to match adjacent structures and landscapes with specific design considerations such as architectural designs, height, scale, color, and texture.
 - (3) A balloon test shall be required subsequent to the receipt of the photo simulations in order to demonstrate the proposed height of the tower. The applicant shall arrange to raise a colored balloon no less than three (3) feet in diameter at the maximum height of the proposed tower, and within fifty (50) horizontal feet of the center of the proposed tower.
 - (4) The applicant shall meet the following for the required balloon test:
 - (a) Applicant must inform the Planning Department and abutting property owners in writing of the date and times, including alternative date and times, of the test at least fourteen (14) days in advance.
 - (b) The date, time, and location, including alternative date, time and location, of the balloon test shall be advertised in a locally distributed paper by the applicant at least seven (7) but no more than fourteen (14) days in advance of the test date.
 - (c) The balloon shall be flown for at least four (4) consecutive hours during daylight hours on the date chosen. The applicant shall record the weather during the balloon test.
 - (d) Re-advertisement will not be required if inclement weather occurs.

- (5) New antenna mounts shall be flush-mounted, unless it is demonstrated through RF propagation analysis that flush-mounted antennas will not meet the network objectives of the desired coverage area.
- (6) Towers shall be constructed to accommodate antenna arrays as follows:
 - (a) All freestanding towers up to 120 feet in height shall be engineered and constructed to accommodate no less than four (4) antenna arrays.
 - (b) All towers between 121 feet and 150 feet shall be engineered and constructed to accommodate no less than five (5) antenna arrays.
 - (c) All towers between 151 feet and taller shall be engineered and constructed to accommodate no less than six (6) antenna arrays.
- (7) Grading shall be minimized and limited only to the area necessary for the new tower and equipment.
- (8) Freestanding non-concealed tower shall be limited to monopole type towers, unless the applicant demonstrates that such design is not feasible to accommodate the intended uses.

Section 2209. Permit (Level IV) Broadcast Facilities

- (a) Application Requirements: All new broadcast towers shall meet the following requirements:
 - (1) Completion of the "Communications Tower Ordinance of Perquimans County, North Carolina Application Permit"
 - (2) Application Fee
 - (3) Site Plan (see also 'Application Requirements')
- (b) Determination of Need: No new broadcast facilities shall be permitted unless the applicant demonstrates that no existing broadcast tower can accommodate the applicant's proposed use.
- (c) Heights: Height for broadcast facilities shall be evaluated on a case by case basis. The determination of height contained in the applicant's FCC Form 351/352 Construction Permit or application for Construction Permit and an FAA Determination of No Hazard (FAA Form 7460/2) shall be considered prima facie evidence of the tower height required for such broadcast facilities.
- (d) Setbacks: New broadcast facilities and anchors shall be subject to the setbacks described below: Minimum of 500 feet from any single-family dwelling unit on same lot, and minimum of one (1) foot for every one (1) feet of tower height from all adjacent lots of record.
- (e) Equipment Cabinets: Except for AM broadcast facilities, cabinets shall not be visible from pedestrian and right-of-way views.
- (f) Fencing: All broadcast facility towers, AM antenna(s) towers, and guy anchors shall each be surrounded with an anti-climbing fence compliant with applicable FCC regulations.
- (g) Buffer: Except for AM broadcast facilities, it is the intent that all pedestrian views from public rights-of-way and adjacent residential land uses be screened from proposed broadcast facilities using existing vegetation or be landscaped with a minimum ten (10) foot wide perimeter buffer containing the following planting standards:
 - (1) All plants and trees shall be indigenous to this part of North Carolina.
 - (2) Existing trees and shrubs on the site should be preserved and may be used in lieu of required landscaping where approved by the Planning Department.
 - (3) One (1) row of evergreen trees with a minimum two (2) inches caliper, twenty-five (25) foot on center.
 - (4) Evergreen shrubs capable of creating a continuous hedge and obtaining a height of at least five (5) feet shall be planted, minimum three (3) gallon or twenty-four (24) inches tall at the time of planting, five (5) foot on center.
 - (5) Alternative landscaping plans which provide for the same average canopy and under story trees but propose alternative locating on the entire subject property may be considered and approved by the Planning Department, provided the proposed alternative maximizes screening as provided above, and is otherwise consistent with the requirements of this section.
- (h) Signage: Commercial messages shall not be displayed on any tower. Required noncommercial signage shall be subject to the following:
 - (1) The only signage that is permitted upon a tower, equipment cabinets, or fence shall be informational, and for the purpose of identifying the tower (such as ASR registration

- number), as well as the party responsible for the operation and maintenance of the facility, and any additional security and/or safety signs as applicable.
- (2) If more than 220 volts is necessary for the operation of the facility and is present in a ground grid or in the tower, signs located every twenty (20) feet and attached to the fence or wall shall display in large, bold, high contrast letters, minimum height of each letter four (4) inches, the following: "HIGH VOLTAGE - DANGER."
 - (3) Name plate signage shall be provided, in an easily visible location, including the address and telephone number of the contact to reach in the event of an emergency or equipment malfunction, including property manager signs as applicable.
- (i) **Lighting:** Lighting on towers shall not exceed the Federal Aviation Administration (FAA) minimum standards. All other lighting shall be subject to the following:
- (1) 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. Dual lighting standards are required and strobe light standards are prohibited unless required by the FAA.
 - (2) Lights shall be oriented so as not to project directly onto surrounding property, consistent with FAA requirements. Any security lighting for on-ground facilities and equipment shall be in compliance with dark sky lighting standards as approved by the County.
- (j) **Equipment Compound:** The fenced in compounds shall not be used for the storage of any excess equipment or hazardous materials. No outdoor storage yards shall be allowed in a tower equipment compound. The compound shall not be used as habitable space.
- (k) **Visibility:** Grading shall be minimized and limited only to the area necessary for the new tower and equipment.

Section 2210. Application Requirements

- (a) **Requirement for Co-location Collocation, DAS and Attachment**
- (1) A signed statement from the tower owner or owner's agent agreeing to allow the **co-location collocation** of other wireless equipment on the proposed tower, if the structure is designed or capable of additional wireless equipment.
 - (2) Compliance with American National Standards Institute (ANSI) standards for electromagnetic radiation: In order to protect the public from excessive exposure to electromagnetic radiation, the facility applicant shall certify through a written statement that the facility meets or exceeds current ANSI standards as adopted by the FCC.
 - (3) Certification furnished by a registered professional engineer licensed in the State of North Carolina that the structure has sufficient structural integrity to support the proposed antenna and feed lines in addition to all existing and planned future equipment located or mounted on the structure.
 - (4) One (1) original and two (2) copies of a survey of the property completed by a registered professional engineer, licensed in the State of North Carolina showing all existing uses, structures, and improvements.
 - (5) Any applicant for facilities under this section shall certify that such proposed facility shall comply with all applicable federal regulations regarding interference protection, including but not limited to federal regulations regarding adjacent channel receiver (blanket) overload and intermodulation distortion.
 - (6) ~~Streamlined process~~ **Eligible facilities requests** for **co-location collocation** approvals pursuant to Section 153A-349.53, North Carolina General Statutes (as amended by S.L. 2013-185) are subject to the following:
 - (a) A complete **co-location collocation eligible facilities request** application ~~entitled to streamlined processing~~ shall be reviewed by the County within forty-five (45) days of submission, (or within some other mutually agreed upon timeframe). Approval or denial of the application shall be in writing and shall be postmarked to the applicant by the forty-fifth (45) day from the date of receipt. Denials shall identify the deficiencies in the application which, if cured, would **take make** the application complete.
 - (b) Upon resubmitting of the revised site plan and paperwork the County shall follow the process identified in this section, above, until all deficiencies identified are deemed cured **and the application deemed complete. The County shall issue a written decision approving the request within 45 days of such application being deemed complete.**
 - (c) If the County does not respond in writing to the applicant within the specified timeframe detailed above, then the application shall be deemed approved.

- (d) ~~Application entitled to the streamlined review process~~ Eligible facilities request applications pursuant to Sections 153A-349.53, North Carolina General Statutes shall not be subject to design or placement requirement, or public hearing review.

(7) DAS facilities that are not being attached to existing infrastructure and require new infrastructure must provide submittals pursuant to subsection (b) of this Section 2210.

(b) Requirements for Mitigation & New Level II & III Towers

- (1) A report and supporting technical data shall be submitted, demonstrating the following:
 - (a) All antenna attachments and co-location collocations, including all potentially useable cross country utility distribution towers and other elevated structures within the proposed service area and alternative antenna configurations have been examined, and found unacceptable.
 - (b) Reasoning as to why existing facilities such as cross country utility distribution and other elevated structures are not acceptable alternatives to a new freestanding tower.
 - (c) Reasoning as to why the adequacy of alternative existing facilities or the mitigation of existing facilities are not acceptable in meeting the applicant's need or the needs of service providers, indicating that no existing communications facility could accommodate the applicant's proposed facility shall consist of any of the following:
 - (i) No existing towers located within the geographic area meet the applicant's engineering requirements, and why.
 - (ii) Existing towers are not of sufficient height to meet the applicant's engineering requirements, and cannot be mitigated to increase in height.
 - (iii) Existing towers do not have sufficient structural integrity to support the applicant's proposed wireless communications facilities and related equipment, and the existing facility cannot be sufficiently improved.
 - (iv) Other limiting factors that render existing wireless communications facilities unsuitable.
- (2) Technical data included in the report shall include certification by a registered professional engineer licensed in the State of North Carolina or other qualified professional, which qualifications shall be included, regarding service gaps or service expansions that are addressed by the proposed tower, and accompanying maps and calculations demonstrating the need for the proposed tower.
- (3) Proof that a property and/or tower owner's agent has appropriate authorization to act upon the owner's behalf (if applicable).
- (4) Signed statement from a qualified person, together with their qualifications, shall be included that warrants radio frequency emissions from the antenna array(s) comply with FCC standards. The statement shall also certify that both individually and cumulatively, and with any other facilities located on or immediately adjacent to the proposed facility, the replacement antenna complies with FCC standards.
- (5) A stamped or sealed structural analysis of the proposed tower prepared by a registered professional engineer licensed by the State of North Carolina indicating the proposed and future loading capacity of the tower is compliant with EIA/TIA-222-G (as amended).
- (6) An affidavit by a radio frequency engineer demonstrating compliance with 'Locating Alternatives Order' section of this Ordinance. If a lower ranking alternative is proposed the affidavit must address why higher ranked options are not technically feasible, practical, and/or justified given the location of the proposed communications facility.
- (7) Statement as to the potential visual and aesthetic impacts of the proposed tower and equipment on all adjacent residential zoning districts.
- (8) Written statement by a registered professional engineer licensed by the State of North Carolina specifying the design structural failure modes of the proposed facility.
- (9) Statement certifying that no unusual sound emissions such as alarms, bells, buzzers, or the like are permitted. Emergency Generators are permitted. Sound levels shall not exceed seventy decibels (70 db).
- (10) A map showing the designated search ring.

- (11) Materials detailing the locations of existing antenna and tower facilities to which the proposed antenna will be a handoff candidate; including latitude, longitude, and power levels of the proposed and existing antenna is required.
- (12) A radio frequency propagation plot indicating the coverage of existing antenna sites, coverage prediction, and design radius, together with a certification from the applicant's radio frequency (RF) engineer that the proposed facility's coverage or capacity potential cannot be achieved by any higher ranked alternative such as a concealed facility, attached facility, replacement facility, ~~co-location~~ **collocation**, or new tower.
 1. These documents are needed to justify a facility and to determine if the proposed location is the best suitable land use in the designated geographic area of the proposed facility.
- (13) One (1) original and two (2) copies of a survey of the property completed by a registered professional engineer, licensed in the State of North Carolina showing all existing uses, structures, and improvements.
- (14) Six (6) sets (24"×36") of signed and sealed site plans shall include the following:
 - (a) Name of project and date
 - (b) Deed Book, and Page and Map Book and Page Reference
 - (c) Scale, north arrow, and vicinity map
 - (d) Subject property information including zoning, watershed classification, percent coverage of lot to be impervious surface (if located in a designated watershed area)
 - (e) Adjacent property information, including land owners, land uses, height of principal building, size of lots, zoning, and land use designation.
 - (f) Tower elevations
 - (g) Landscape buffering plans
 - (h) Maximum height of the proposed tower and proposed and future mounting elevations of future antenna, including individual measurement of the base, the tower, and lightning rod
 - (i) One (1) parking space is required for each tower development area. The space shall be provided within the leased area, or equipment compound, or the development area as defined on the site plan.
 - (j) Location, classification, and size of all major public or private streets and rights-of-way
 - (k) Identify adjacent features within 500 feet of property boundary including driveways, public parking areas, pedestrian ways, trails, and any other pertinent features
 - (l) Two (2) reduced copies (8½"×11"), of the foregoing preliminary grading plans may be included on site plans or separately submitted in equal quantities.
- (15) Title report or American Land Title Association (A.L.T.A.) survey showing all easements on the subject property, together with a full legal description of the property.
- (16) List of adjacent property owners and keyed to the map. The list must be from the most current ownership information supplied by the Perquimans County Tax Department, together with two (2) sets of mailing labels for such property owners. Applicant will also provide a notarized Certification Letter stating the ownership list referenced herein is accurate to the best of the applicant's ability.
- (17) Simulated photographic evidence of the proposed tower and antenna appearance from any and all residential areas within 1,500 feet and vantage points approved by the Planning Department including the facility types the applicant has considered and the impact on adjacent properties including:
 - (a) Overall height
 - (b) Configuration
 - (c) Physical location
 - (d) Mass and scale
 - (e) Materials and color
 - (f) Illumination
 - (g) Architectural design
- (18) All other documentation, evidence, or materials necessary to demonstrate compliance with the applicable approval criteria set forth in this Ordinance.
- (19) A pre-application conference will be required for any new tower. The applicant shall demonstrate that the following notice was mailed (via certified mail) to all other

wireless service providers licensed to provide service within the County as indicated on the list of wireless service providers provided by the County:

*“Pursuant to the requirements of the Perquimans County Zoning Ordinance, Article XXII is hereby providing you with notice of our intent to meet with the County Staff in a pre-application conference to discuss the location of a free-standing wireless communications facility that would be located at _____ (physical address, latitude and longitude (NAD-83)). In general, we plan to construct a tower of _____ feet in height for the purpose of providing _____ (type of wireless service) _____. Please inform the County Staff if you have any desire for placing additional wireless facilities or equipment within 2 miles of our proposed tower. Please provide us with this information within twenty business days after the date of this letter. Your cooperation is sincerely appreciated.
Sincerely, (pre-application applicant, wireless provider)”*

- (20) Prior to issuance of a building permit, proof of FAA compliance with Subpart C of the Federal Aviation Regulations, Part 77, and “Objects Affecting Navigable Airspace,” if applicable.

(c) Requirements for New Level IV Towers

- (1) Technical data included in the report shall include the purpose of the proposed facility as described in the FCC Construction Permit Application.
- (2) Proof that a property and/or tower owner’s agent has appropriate authorization to act upon the owner’s behalf, if applicable.
- (3) Signed statement from a qualified person, together with their qualifications, shall be included that warrants radio frequency emissions from the antenna array(s) comply with FCC standards regarding interference to other radio services. The statement shall also certify that both individually and cumulatively, and with any other facilities located on or immediately adjacent to the proposed facility, the replacement antenna complies with FCC standards regarding human exposure to RF energy.
- (4) A stamped or sealed structural analysis of the proposed tower prepared by a registered professional engineer licensed by the State of North Carolina indicating the proposed and future loading capacity of the tower is compliant with EIA/TIA-222-G (as amended).
- (5) A written statement by a registered professional engineer licensed by the State of North Carolina specifying the design structural failure modes of the proposed facility.
- (6) Statement certifying that no unusual sound emissions such as alarms, bells, buzzers, or the like are permitted. Emergency Generators are permitted. Sound levels shall not exceed seventy decibels (70 db).
- (7) One (1) original and two (2) copies of a survey of the property completed by a registered professional engineer, licensed in the State of North Carolina showing all existing uses, structures, and improvements.
- (8) Six (6) sets (24”×36”) of signed and sealed site plans shall include the following:
 - (a) Name of project and date
 - (b) Deed Book, and Page and Map Book and Page Reference
 - (c) Scale, north arrow, and vicinity map
 - (d) Subject property information including zoning, watershed classification, percent coverage of lot to be impervious surface (if located in a designated watershed area)
 - (e) Adjacent property information including land owners, land uses, height of principal building, size of lots, and existing zoning and land use
 - (f) Landscape buffering plans
 - (g) Maximum height of the proposed tower and/or antenna, including individual measurements of the base, tower, and lightning rod
 - (h) One (1) parking space is required for each tower development area. The space shall be provided within the leased area, or equipment compound, or the development area as defined on the site plan.
 - (i) Location, classification, and size of all major public or private streets and rights-of-way
 - (j) Identify adjacent features within 500 feet of property boundary including driveways, public parking areas, pedestrian ways, trails, and any other pertinent features
 - (k) Two (2) reduced copies (8½”×11”), of the foregoing preliminary grading plans may be included on site plans or separately submitted in equal quantities.
 - (l) Structure elevations
- (9) Title report or American Land Title Association (A.L.T.A.) survey showing all easements on the subject property, together with a full legal description of the property.
- (10) List of property owners within 1,000 feet in residential zoning districts and 500 feet in all other zoning districts and keyed to the map. The list must be from the most current

ownership information supplied by the Perquimans County Tax Department, together with two (2) sets of mailing labels for such property owners. Applicant will also provide a notarized Certification Letter stating the ownership list referenced herein is accurate to the best of the applicant's ability.

- (11) A pre-application conference will be required for any new broadcast facility.
- (12) Prior to issuance of a building permit, proof of FAA compliance with Subpart C of the Federal Aviation Regulations, Part 77, and "Objects Affecting Navigable Airspace," if applicable.

Section 2211. Review & Decision Making Bodies

- (a) Powers and Duties of the Board of Adjustment: The Board of Adjustment shall have the following powers and duties:
 - (1) Administrative Review: To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Planning and Zoning Administrator in the enforcement of this Ordinance.
 - (2) Variances: The Board of Adjustment shall have the power to authorize, in specific cases, minor variances from the terms of this Ordinance as will not be contrary to the public interests where, owing to special condition, a literal interpretation of this Ordinance will result in practical difficulties or unnecessary hardship, so that the spirit of this Ordinance shall be observed, public safety and welfare secured, and substantial justice done. Such variances may be granted in such individual case of unnecessary hardships only upon findings of the Board of Adjustment after a public hearing in accordance with Article XVI.
 - (3) Procedures: Appeals from the enforcement and interpretation of this Ordinance and requests for variances shall be filed with the Planning and Zoning Administrator specifying the grounds thereof. The Planning and Zoning Administrator shall transmit to the Board of Adjustment all applications and records pertaining to such appeals and variances. The Board shall fix a thirty (30) day period for the hearing of appeals, giving notice to all participants by first class mail. An appeal stays all proceedings in furtherance of the action appealed from unless the Planning and Zoning Administrator certifies to the Board that by reason of facts stated in the record a stay would, in his opinion, cause eminent peril to life and or property. In such a case proceedings shall not be stayed other than by an order from the Perquimans County Superior Court.
 - (4) Fees: The County Board of Commissioners shall set a fee, payable to Perquimans County, North Carolina, to cover the necessary administrative costs and advertising of each application for a variance or appeal. The set fee shall be posted in the County's Planning and Zoning Office.
- (b) Planning Board Review and Board of County Commissioners Action: The Planning Board shall consider new applications for Level III and IV Permits at a public meeting and make recommendation to the Board of County Commissioners. The BCC shall consider the application, the Planning Board recommendation and comments at a public hearing and may grant or deny the Conditional Use Permit pursuant to Article IX of the Zoning Ordinance.
- (c) Planning and Zoning Administrator: The Planning and Zoning Administrator or his/her designee will review new applications for Level I and II Permits and make a determination as to whether a given request constitutes major modifications requiring additional review at a public meeting by the Planning Board and BCC.

Section 2212. Text Amendments

- (a) Amendments: The Perquimans County Board of Commissioners may from time-to-time amend the terms of this Ordinance (but no amendment shall become effective unless it shall have been proposed by or shall have been submitted to the Planning Board for review and recommendation pursuant to Article XIII of the Zoning Ordinance).
- (b) No amendment shall be adopted by the BCC until they have held a public hearing on the amendment pursuant to Article XIII. Notice of the hearing shall be published in a newspaper of general circulation in Perquimans County at least once a week for two (2) successive weeks prior to the hearing, the first publication being not less than ten (10) days nor more than twenty-five (25) days before the date of the hearing. In computing the ten (10) day, twenty-five (25) day period, the date of publication is not to be counted, but the date of the hearing is to be counted.

Section 2213. Administration, Fees, Enforcement & Penalties

- (a) Administration: This Ordinance shall be administered and enforced by the Planning and Zoning Administrator of Perquimans County or designee. The County may, through contract, secure the professional services of telecommunications consultants to assist County staff in the implementation of this Ordinance. Such professional services include, but are not limited to, review and evaluation of permit applications, determination of compliance with existing and proposed Federal regulations, minimization of the aesthetic impact, review of the technical data and expert testimony as needed. See also Section 2213().
- (b) Review Fees: The Perquimans County Board of Commissioners shall set a fee, payable to Perquimans County, to cover the necessary processing cost of all Communications Tower Permits. The set fee shall be posted in the Planning and Zoning Office. Applications for a Communications Tower Permit requiring a new or additional tower or increases in tower or alternative structure height (not including the height of a co-locating antenna), shall require payment of a nonrefundable application fee. Private business users operating a single communication tower for their own use at their principal place of business and governmental users are exempt from the application fees.
- (c) Supplemental Review: The County reserves the right to require a supplemental review for any Permit (Level I, II, III, or IV) subject to the following:
- (1) Where due to the complexity of the methodology or analysis required to review an application for a Permit (Level I, II, III or IV) facility, the County may require the applicant to pay for a technical review by a third party expert, the costs of which shall be borne by the applicant and be in addition to other applicable fees. Schedules of current fees are listed in the Perquimans County Fee Schedule.
 - (2) Based on the results of the expert review, the approving authority may require changes to the applicant's application or submittals.
 - (3) The supplemental review may address any or all of the following:
 - (a) The accuracy and completeness of the application and any accompanying documentation.
 - (b) The applicability of analysis techniques and methodologies.
 - (c) The validity of conclusions reached.
 - (d) Whether the proposed communications facility complies with the applicable approval criteria set forth in these codes.
 - (e) Other items deemed by the County to be relevant to determining whether a proposed communications facility complies with the provisions of these codes.
- (d) Enforcement: If the Ordinance Administrator shall find that any of the provisions of this Ordinance are being violated, it shall notify in writing the person responsible for the violation, specifying the nature of the violation and what corrective measures must be taken. The Planning and Zoning Administrator shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by other zoning regulations contained herein and other laws to insure compliance with or to prevent violation of the provisions of this Ordinance.
- (e) Penalties and Fees: Any person failing to take corrective action within a reasonable time after receiving written notice from the Planning and Zoning Office and any person operating a Communications Tower without a valid permit shall be guilty of a misdemeanor and may be punished by a fine not to exceed five-hundred dollars (\$500.00) or imprisonment not to exceed thirty (30) days. Each day such violation shall be permitted to exist shall constitute a separate offense. Additional penalties and fines apply pursuant to Article IV of this Ordinance.
- (f) Other Requirements for Level III and IV Permits: In addition to the general requirements set forth above, applications for permits requesting new or additional Communications Tower, or increases in tower or alternative structure height (not including the height of a co-locating antenna), shall be reviewed and processed in accordance with the following provisions:
- (1) Approval Process: Applications for Communications Towers or increases in tower or alternative structure height (not including the height of a co-locating antenna), shall be submitted in writing to the Planning and Zoning Administrator or his/her agent(s) and shall contain all information required by this Ordinance as well as any additional information the Planning and Zoning Administrator or his/her agent(s) deem necessary and appropriate. The public hearing procedures described for "Conditional Use Permits" in Article XXIII, Hearing Procedures for Appeals and Applications, shall apply

to all Communications Towers. The Board of County Commissioners is authorized either to grant or deny a Communications Tower permit under this Article.

- (2) Applicant's Burden: The applicant for a Communications Tower shall bear the burden of demonstrating by substantial evidence in a written record that a *bona fide* need exists for the proposed telecommunication tower and that no reasonable combination of locations, techniques or technologies will obviate the need for, or mitigate the height or visual impact of, the proposed telecommunications tower.
- (3) Application Fee: Applications for a Communications Tower permit requiring a new or additional tower or increases in tower or alternative structure height (not including the height of a co-locating antenna), shall require payment of a nonrefundable application fee as established by the Board of County Commissioners per separate fee schedule. The application fee is subject to change by resolution of the Board of County Commissioners. Private business users operating a single communication tower for their own use at their principal place of business and governmental users are exempt from the application fees.
- (4) Application Submittal Date: An application for a communication tower shall be submitted to the Planning and Zoning Administrator for his/her agent(s) on forms provided by the Planning and Zoning Administrator or his/her agent(s) at least forty-five (45) days before the Planning Board meeting at which the application shall be considered. The Planning Department shall review the application for completeness and notify the applicant of any deficiencies within seven (7) days of receiving application. The applicant shall correct the deficiencies at least thirty (30) days before the Board of County Commissioners public hearing at which the application shall be considered. The application shall be deemed complete on the date that all deficiencies are corrected. The applicant shall submit eight (8) copies of application materials at least forty-five (45) days before the Planning Board meeting at which the application shall be considered, and an additional twelve (12) copies at least ten (10) days before the BCC's hearing at which the application shall be considered.
- (5) Retention of Consultants: The County may elect to retain outside consultants or professional services to review the application and make determinations and recommendations on relevant issues including but not limited to, verification of the applicant's due diligence, analysis of alternatives, and compliance with State and Federal rules and regulations at the applicant's sole expense. Initially, a cash bond or other security satisfactory to the County, guaranteeing payment of such expenses shall be required. An application shall not be deemed complete until the application fee and bond or other security has been received by the County. The County shall require any consultants to disclose any potential conflicts of interest and to hold confidential any proprietary information supplied by the applicant. The Planning and Zoning Administrator or designee shall arrange an informal consultation with the applicant to review the consultant's report prior to any public hearing on the application. Private business users operating a single communications tower for their own use at their principal place of business and governmental users are exempt from the bond requirement.
- (6) Public Notice: Notice of an application for a proposed telecommunication tower shall comply with the provisions of N.C.G.S. 153A-323 and 153A-343 as amended and, at a minimum, shall comply with the following:
 - (a) Newspaper Notice: The Planning and Zoning Administrator or his/her agent(s) shall cause a notice of any public hearing to be published as a legal advertisement in a newspaper of general circulation in Perquimans County once a week for two consecutive weeks, the first publication of which shall not appear less than ten (10) days or more than twenty-five (25) days prior to the date set for a public hearing. The notice shall include the date, time, and place of the hearing as well as information about the proposed telecommunication tower including its type, height, location and any other information the Ordinance Administrator or his/her agent(s) shall deem necessary or appropriate.
 - (b) Notice to Affected Property Owners: The applicant shall provide the Zoning Administrator or his/her agent(s) with two sets of addressed, stamped envelopes to all of the property owners to be notified per (1) and (2) below before any public hearing shall be conducted. A wireless telecommunication permit application shall not be considered complete until a comprehensive list is provided. The County will verify the list of names for completeness and shall mail notices per the following provisions:
 - (i) Adjacent or abutting property owners. Notice of any public hearing shall be sent by certified mail (return receipt requested) to the owners of all parcels of land adjacent to or abutting the site of the proposed telecommunication tower at the last address listed for such owners in the County property tax records.

- (ii) Notice to other affected property owners. Notice to all other owners of properties within a one-quarter mile radius of the proposed telecommunication tower site shall be sent by first-class mail with proper postage affixed at the last address listed for such owners in the County property tax records.
- (iii) Timeliness of notice. Any notices required under the above subsections shall be mailed at least ten (10) but not more than twenty-five (25) days prior to the date of the public hearing.
- (c) Posted Notice: A sign advertising the application for a proposed telecommunication tower, and any scheduled public hearings, shall be posted by the Zoning Administrator or his/her agent(s) in a prominent location on or near the parcel containing the proposed telecommunication tower, or on a nearby public road. Such signs shall be posted at least ten (10) days prior to any public hearing.
- (d) Additional Notice Regarding Material Changes: In the event the applicant shall seek to increase the height of a proposed telecommunication tower, or move its location more than fifty (50) feet laterally, from that stated in the original notices required above, additional notice shall be required to be given in accordance with the above provisions and all required time periods shall run from the date of supplemental notification.

Section 2214. Post-Construction Approval Fees and Certificate of Zoning Compliance.

The Perquimans County Board of County Commissioners shall set fees, payable to Perquimans County, to cover the costs of conducting a post-construction approval of all facilities constructed or modified pursuant to this Section. The set fees shall be posted in the Planning and Zoning Office and shall reflect the level of review necessary for such approval. For example, facilities subjected to supplemental review hereunder shall only require final verification prior to issuance of a Certificate of Zoning Compliance. ~~Facilities subject to streamlined processing~~ Eligible facilities request applications processed under 153A-349.53, North Carolina General Statutes which were not subject to supplemental review shall require independent verification of construction in compliance with applicable codes and regulations prior to issuance of a Certificate of Zoning Compliance and shall require a higher fee. The County may engage outside consultants or professional services to perform such post construction inspections. Private business users operating a single communications tower for their own use at their principal place of business and governmental uses are exempt from the post-construction approval fees.

Section 2214 2215. Interpretation of Certain Terms & Definitions

- (a) Interpretation: The following assumptions shall be made:
 - (1) Words used in the present tense include the future tense.
 - (2) Words used in the singular number include the plural, and words used in the plural number include the singular.
 - (3) The word “shall” is always mandatory and not merely directory.
 - (4) The word “may” is permissive.
 - (5) The words “used” or “occupied” include the words intended, designed, or arranged to be used or occupied.
- (b) Definitions:
 - (1) Alternative Structure- A structure that is not primarily constructed for the purpose of holding antennas but on which one (1) or more antennas may be mounted, including but not limited to buildings, silos, water tanks, pole signs, billboards, church steeples, and electric power transmission towers.
 - (2) Amateur Radio Tower- Any tower used for amateur radio transmissions consistent with the “Complete FCC U.S. Amateur Part 97 Rules and Regulations” for amateur radio towers.
 - (3) Ancillary Structure- For the purposes of this Ordinance, any form of development associated with a communications facility, including foundations, concrete slabs on grade, guy anchors, generators, and transmission cable supports, but excluding equipment cabinets.
 - (4) Anti-Climbing Device- A piece or pieces of equipment, which are either attached to a tower, or which are freestanding and are designed to prevent people from climbing the structure, including fine mesh wrap around structure legs, “squirrel-cones,” and other approved devices, but excluding the use of barbed or razor wire.

- (5) Antenna- Any apparatus designed for the transmitting and/or receiving of electromagnetic waves, including telephonic, radio or television communications. Types of elements include omni-directional (whip) antennas, sectionalized (panel) antennas, multi or single bay (FM & HDTV), yagi, or parabolic (dish) antennas.
- (6) Antenna Array- A single or group of antenna elements and associated mounting hardware, transmission lines, or other appurtenances which share a common attachment device such as a mounting frame or mounting support structure for the sole purpose of transmitting or receiving electromagnetic waves.
- (7) Antenna Element- Any antenna or antenna array.
- (8) ASR- The Antenna Structure Registration Number as required by the FAA and FCC.
- (9) Base Station- The electronic equipment utilized by the wireless providers for the transmission and reception of radio signals.
- (10) Board of Adjustment- The Board of Adjustment of Perquimans County as defined by the Perquimans County Zoning Ordinance.
- (11) Breakpoint Technology- The engineering design of a monopole wherein a specified point on the monopole is designed to have stresses concentrated so that the point is at least five percent (5%) more susceptible to failure than any other point along the monopole so that in the event of a structural failure of the monopole, the failure will occur at the breakpoint rather than at the base plate, anchor bolts, or any other point on the monopole.
- (12) Broadcast Facilities- Towers, antennas, and/or antenna arrays for AM/FM/HDTV broadcasting transmission facilities that are licensed by the Federal Communications Commission.
- (13) Co-location Collocation - The practice of installing and operating multiple wireless carriers, service providers, and/or radio common carrier licensees on the same tower or attached communication facility using different and separate antenna, feed lines, and radio frequency generating equipment.
- (14) Combined Antenna – An antenna or an antenna array designed and utilized to provide services for more than one (1) wireless provider, or a single wireless provider utilizing more than one (1) frequency band or spectrum, for the same or similar type of services.
- (15) Concealed-A 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:
 (a) 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
 (b) Freestanding: Freestanding concealed tower's usually have a secondary, obvious function which may include church steeple, windmill, bell tower, clock tower, light standard, flagpole with or without a flag, or tree.
- (16) DAS – Distributed Antennas Systems consist of an antenna and transmit/receive electronics with the capability of providing personal wireless services for one or more individual service providers, utilizing existing infrastructure where available. See Combined Antennas.
- (17) Development Area- The area occupied by a communications facility including areas inside or under an antenna-support structure's framework, equipment cabinets, ancillary structures, and/or access ways.
- (18) Discontinued- Any tower without any mounted transmitting and/or receiving antennas in continued use for a period of 180 consecutive days.
- (19) Equipment Compound- The fenced-in area surrounding the ground-based wireless communication facility including the areas inside or under a tower's framework and ancillary structures such as equipment necessary to operate the antenna on the structure that is above the base flood elevation including cabinets, shelters, pedestals, and other similar structures.

- (19) **(20) Equipment Cabinet-** Any structure above the base flood elevation including cabinets, shelters, pedestals, and other similar structures and used exclusively to contain radio or other equipment necessary for the transmission or reception of wireless communication signals.
- (20) **(21) FAA-** The Federal Aviation Administration.
- (21) **(22) FCC-** The Federal Communications Commission.
- (22) **(23) Feed Lines-** Cables used as the interconnecting media between the transmission/receiving base station and the antenna.
- (23) **(24) Flush-Mounted-** Any antenna or antenna array attached directly to the face of the support structure or building such that no portion of the antenna extends above the height of the support structure or building. Where a maximum flush-mounting distance is given, that distance shall be measured from the outside edge of the support structure or building to the inside edge of the antenna.
- (24) **(25) Guyed Structure-** (see Guyed Tower)
- (25) **(26) Geographic Search Ring-** An area designated by a wireless provider or operator for a new base station, produced in accordance with generally accepted principles of wireless engineering.
- (26) **(27) Handoff Candidate-** A wireless communication facility that receives call transference from another wireless facility, usually located in an adjacent first “tier” surrounding the initial wireless facility.
- (27) **(28) Lattice Structure-** (see Lattice Tower)
- (28) **(29) Least Visually Obtrusive Profile-** The design of a wireless communication facility intended to present a visual profile that is the minimum profile necessary for the facility to properly function.
- (30) Microwave Dish Antenna-** a usually round or oval concave antenna element sometimes with a radome (cover) for the purpose of sending and /or receiving data for high speed communications generally for high speed wireless broadband use.
- (29) **(31) Mitigation-** A modification of an existing tower to increase the height, or to improve its integrity, by replacing or removing one (1) or several tower(s) located in proximity to a proposed new tower in order to encourage compliance with this Ordinance, or improve aesthetics or functionality of the overall wireless network.
- (30) **(32) Monopole Structure-** (see Monopole Tower)
- (31) **(33) Non-concealed-** A wireless communication facility that is readily identifiable as such and can be either freestanding or attached.
- (32) **(34) Personal Wireless Service-** Commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services as defined in the *Telecommunications Act of 1996*.
- (33) **(35) Public Safety Communications Equipment-** All communications equipment utilized by a public entity for the purpose of ensuring the safety of the citizens of the County and operating within the frequency range of 700 MHz and 1,000 MHz and any future spectrum allocations at the direction of the FCC.
- (34) **(36) Radio Frequency Emissions-** Any electromagnetic radiation or other communications signal emitted from an antenna or antenna-related equipment on the ground, tower, building, or other vertical projection.
- (35) **(37) Radio Frequency Propagation Analysis-** Computer modeling to show the level of signal saturation in a given geographical area.
- (36) **(38) Replacement-** (see Mitigation)

- (37) ~~(39)~~ Satellite Earth Station- A single or group of parabolic or dish antennas mounted to a support device that may be a pole or truss assembly attached to a foundation in the ground, or in some other configuration, including the associated separate equipment cabinets necessary for the transmission or reception of wireless communications signals with satellites.
- ~~(38) (40) Streamlined Processing- Expedited review process for co-locations/collocations.~~
- (39) ~~(40)~~ Structure- Anything constructed or erected, the use of which required permanent location on the ground, or attachment to something having a permanent location on the ground, including advertising signs.
- (40) ~~(41)~~ Tower-Any staffed or unstaffed location for the transmission and/or reception of radio frequency signals or other wireless communications, and usually consisting of an antenna or group of antennas, transmission cables, equipment cabinets, and may include a tower. The following developments shall be deemed a communications facility: new, mitigated, or existing towers, public towers, replacement towers, co-locations/collocations on existing towers, attached wireless communications facilities, concealed wireless communication facilities, and non-concealed wireless communication facilities. Towers do not include any device used to attach antennas to an existing building, unless the device extends above the highest point of the building by more than twenty (20) feet. Types of support structures include the following:
- (41) ~~(a)~~ Guyed Tower - A style of tower consisting of a single truss assembly composed of sections with bracing incorporated. The sections are attached to each other, and the assembly is attached to a foundation and supported by a series of wires that are connected to anchors placed in the ground or on a building.
- (42) ~~(b)~~ Lattice Tower- A tapered style of tower that consists of vertical and horizontal supports with multiple legs and cross bracing, and metal crossed strips or bars to support antennas.
- (43) ~~(c)~~ Monopole Tower - A style of freestanding tower consisting of a single shaft usually composed of two (2) or more hollow sections that are in turn attached to a foundation. This type of tower is designed to support itself without the use of guy wires or other stabilization devices. These facilities are mounted to a foundation that rests on or in the ground or on a building's roof. All feed lines shall be installed within the shaft of the structure.
- (44) ~~(42)~~ Tower Base- The foundation, usually concrete, on which the wireless telecommunications tower and other support equipment are situated. For measurement calculations, the tower base is that point on the foundation reached by dropping a perpendicular from the geometric center of the tower.
- (45) ~~(43)~~ Tower Height- The vertical distance measured from the grade line (*or tower base*) to the highest point of the tower, including any antenna, lighting or other equipment affixed thereto.
- (46) ~~(44)~~ Tower Site- The land area that contains, or will contain, a proposed tower, support structures and other related buildings and improvements.
- (47) ~~(45)~~ Variance- A modification of the terms of this Ordinance where a literal enforcement of this Ordinance would result in an unnecessary hardship and shall be reviewed and issued by the Board of Adjustment.
- (48) ~~(46)~~ Waveguide- Feed lines used specifically for microwave dish antennas.

-End of Ordinance document to be recorded-
Administrative Text Amendment No. TXT-13-03
Perquimans County Zoning Ordinance
Amend Articles VIII & XXII regarding
Communications Tower regulations

PURPOSES: To comply with Section 153A-349.53 of the NCGS (as amended by S.L. 2013-185 [H.B. 664]) to clarify requirements for eligible facilities request applications (including changes to the tower or support structure); to add and define DAS (Distributed Antennas Systems) Facilities; to establish Post-Construction Approval Process and fee; and to change the spelling of "collocation" and correct other typographical errors.

NOTES: The attached Draft Ordinance contains proposed text amendments as follows:

- 1) Changes initiated by CityScape Consultants and recommended for approval by the Planning Board at October 8th meeting are shown in single line "Strike through and Underline" pattern with yellow highlights; and

- 2) Changes recommended by CityScape after the Planning Board's October 8th meeting, to make "form over substance" type changes in the terminology previously referred to as "streamlined applications" are shown in double line "Strikethrough and Underline" pattern with grey highlights.
- 3) Changes presented to the BCC at the Public Hearing on 11-4-13 include typographical and formatting errors which are shown in italics with single line "Strikethrough and Underline" pattern and aqua highlights.

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