



SECTION 5.05

UDO Permit: Wireless Telecommunications Facilities

All Wireless Telecommunications Facilities will require a UDO Permit. However, certain facilities may also require Special Exception Use approval before obtaining a UDO Permit. UDO Section 8.01 provides strict policy information regarding new Wireless Telecommunication Facilities, new Small Wireless Telecommunication Facilities, and co-location on existing towers or structures.

- Adverse effects must be kept to a minimum on any type of Wireless Telecommunications Facility, whether it involves a new facility or co-location with an existing tower and facility. [Amended Resolution #19-02]*

New Wireless Telecommunications Facilities: Special Exception Use (Located outside of the Public Right-of-Way): [Amended Resolution #19-02]*

Expected Review Time: Approximately 116-138 days [Amended Resolution #15-26, 19-02]*

Primary Processing Department: Planning & Zoning

Departments involved in Preliminary review process: Planning & Zoning and Engineering

New towers and facilities are required to obtain a Special Exception Use Permit, and must follow the Special Exception Use Procedures found in Section 6.01 of this manual and shall include the following additional information: [Amended Resolution #19-02]*

1. A map of the Town of Holly Springs and its extra-territorial jurisdiction identifying the following:
 - a. all existing telecommunications towers; and,
 - b. all structures or buildings within a one (1) mile radius of the proposed site that have a height equal to or greater than the height of the proposed telecommunications tower minus thirty (30) feet.

In the event that a telecommunications tower is proposed within one (1) mile of the boundary of the Town of Holly Springs and its extra-territorial jurisdiction, such map shall include the information required above for all areas within one (1) mile of the proposed telecommunications tower.

2. A certification, in a manner acceptable to the Town, from the owner of the telecommunications tower or the property on which the telecommunications tower is located, that the telecommunications tower is available for use by another wireless telecommunications provider on a reasonable and non-discriminatory basis and at a cost not exceeding the Fair Market Value for the use of the facilities.
3. A designation by the owner of the telecommunications tower or the property on which such telecommunications tower is located of an area which is set aside for the equipment of future users of the telecommunications tower and is located:
 - a. within the proposed compound area; or,

- b. within a separate compound area located on the same lot and located no further from the telecommunications tower than the distance from the telecommunications tower to the proposed compound area plus fifty (50) feet.
4. Color photo simulations showing the site of the proposed telecommunications tower with a photo-realistic representation of the proposed telecommunications tower as it would appear viewed from the closest residential district and from adjacent public right-of-way, and photographs of the same views as in the photo simulations showing the current appearance of the site without the proposed telecommunications tower. Development Standards.

[Added Resolution #19-02]*

Next Steps: [Added Resolution #19-02]*

1. Obtain all necessary permits from Building Codes Enforcement.
2. Establish a cash security fund, irrevocable letter of credit, or a bond for the removal of telecommunications towers, antenna rays, associated equipment and buildings as specified in UDO Section 8.01 E: Abandonment and Removal of Telecommunications Towers, Antenna Arrays, Associated Equipment and Buildings.
3. Request a Certificate of UDO Compliance from the Department of Planning & Zoning prior to seeking a Certificate of Occupancy. The Certificate of Occupancy will not be issued without a Certificate of UDO Compliance.
4. Follow all necessary procedures to obtain a Certificate of Occupancy. The procedures for the building process may be found in Section 10.05 of this Manual.

New or Co-Located Small Wireless Telecommunications Facility (Located within the Public Right-of-Way): [Added Resolution #19-02]*

Expected Review Time: Approximately 10-45 days

Primary Processing Department: Code Enforcement

Departments involved in Preliminary review process: Planning & Zoning, Engineering, & Code Enforcement

Prior to Filing Petition:

1. A Concept Plan Review Meeting is encouraged prior to submitting a UDO Permit: Small Wireless Telecommunication Facility through the Department of Planning & Zoning for the. See Section 1.01 Concept Plan Review for more information regarding this required meeting.

Petition Filing:

1. Submit petition for UDO Permit for a new or co-located Small Wireless Telecommunication Facility as well as any supporting documentation to the Code Enforcement Department. All applications for small wireless telecommunication facilities shall include the following supporting documentation:
 - a. A map completed by a registered surveyor of the proposed site identifying:
 - i. The proposed utility pole or wireless support structure location and the location of any utilities or easements;
 - ii. All existing wireless telecommunication facilities and coverage areas within a one (1) mile radius of the proposed site, if available; and,
 - iii. All structures or buildings within a one-quarter (1/4) mile of the proposed site that have a height equal to or greater than the height of the proposed small wireless telecommunication facility.

- b. A certification, in a manner acceptable to the Town, from the owner of the existing utility poles, light pole fixtures, or wireless support structures on which the small wireless telecommunication facility is to be located, or from the government body with jurisdiction of the right-of-way in which a new utility pole or wireless support structure is to be located.
- c. Construction drawing specifications for installation of the proposed small wireless telecommunication facility.
- d. Color photo simulations showing the site of the proposed small wireless telecommunication facility, including any new utility poles or wireless support structures, with a photo realistic representation of the proposed small wireless telecommunication facility as it would appear viewed from the adjacent street, and photographs of the same views as in the photo simulations showing the current appearance of the site without the proposed small wireless telecommunication facility.

Petition Review Process:

1. The Code Enforcement Department will notify Petitioner of an incomplete petition or any missing information within ten (10) business days. The notice will state every deficiency in the application. This information must be completed and resubmitted. If a subsequent submission is still incomplete, then the Code Enforcement Department will notify Petitioner of an incomplete petition notify the applicant within ten (10) days.
2. The Code Enforcement Department will forward a copy of the completed application to all Staff in the specific review process.

Determination of Final Action:

1. Staff will review the submitted application and will determine whether to approve or deny the application within forty-five (45) days.
 - a. If the application is denied, the denial shall state the reasons for the denial.
 - b. The applicant may resubmit the application in an attempt to cure the deficiencies stated in the denial.
 - c. Staff will review the resubmitted application and will determine whether to approve or deny the application within thirty (30) days. Such review will be limited to the deficiencies cited in the prior denial.
2. Once the application is approved, the Code Enforcement Department will notify Petitioner.

Next Steps:

1. Obtain all necessary permits from the Code Enforcement Department

Town Next Steps:

1. Staff will map all approved small wireless telecommunication facilities and, if applicable, their new utility pole or support structure on a GIS map that can be linked to and displayed on the Town website for public disclosure.

Wireless Telecommunications Facilities: Co-Location Permitted Use [Amended Resolution #19-02]*

Expected Review Time: Approximately 5-10 business days

Primary Processing Department: Planning & Zoning

Departments involved in Preliminary review process: Planning & Zoning and Engineering

All co-locations or new antennas on existing towers, and the associated additional equipment in the compound area, are permitted in all districts and must follow the procedures listed below.

Prior to Filing Petition:

1. A Concept Plan Review Meeting is encouraged prior to submitting a UDO Permit: Small Wireless Telecommunication Facility through the Department of Planning & Zoning. See Section 1.01 Concept Plan Review for more information regarding this required meeting. [Amended Resolution #19-02]*

Petition Filing:

1. Submit petition for UDO Permit for Wireless Co-Location/New Antenna as well as any supporting documentation to by the posted deadline date and time to the Department of Planning & Zoning. The Wireless Co-Location/New Antenna Packet provides a detailed list of all petition submittal requirements. Petitions received after Monday will be placed in the next week's review cycle. [Added Resolution #11-19]
2. The Department of Planning & Zoning will notify Petitioner of an incomplete petition or any missing information within two (2) business days after the submittal deadline date. This information must be completed and submitted within one (1) business day, or the petition will be placed in the next available review cycle after the information is submitted and the petition is deemed complete.

Petition Review Process:

3. The Department of Planning & Zoning will forward a copy of the completed application to all Staff in the specific review process.
4. Staff will review the submitted application and the Department of Planning & Zoning will forward all Staff comments to those named on the Petition within fourteen (14) business days after the submittal date.
5. Revised plans and any requested information must be submitted for staff review in accordance with the date specified on the Staff Comments to remain in the review cycle. If plans are submitted after the deadline date, they will be processed in the next available review cycle.
6. Staff will review the revised plans and the Department of Planning & Zoning will forward all Staff comments to those named on the Application.

Note: If at any time during the Review process, revised plans are not re-submitted to the Department of Planning & Zoning within thirty (30) days, the Application will be deemed withdrawn and a new Application and review process will be required to consider the request.

Determination of Final Action:

1. The final set of revised drawings must be submitted in accordance with the staff review comments.
2. Within five (5) business days after the submittal deadline date, the Director, shall make a final determination to either: approve, approve with conditions, or deny the application request.

3. The Department of Planning & Zoning will notify all persons named on the application for Wireless Co-Location/New Antenna regarding the Director's decision within ten (10) days of the action. [Amended Resolution #09-16]

Next Steps:

5. Obtain all necessary permits from Building Codes Enforcement.
6. Establish a cash security fund, irrevocable letter of credit, or a bond for the removal of telecommunications towers, antenna rays, associated equipment and buildings as specified in UDO Section 8.01 E: Abandonment and Removal of Telecommunications Towers, Antenna Arrays, Associated Equipment and Buildings. [Added Resolution #15-26]
7. Request a Certificate of UDO Compliance from the Department of Planning & Zoning prior to seeking a Certificate of Occupancy. The Certificate of Occupancy will not be issued without a Certificate of UDO Compliance.
8. Follow all necessary procedures to obtain a Certificate of Occupancy. The procedures for the building process may be found in Section 10.05 of this Manual.