

Section 8.01 *Special Regulations for Wireless Telecommunications Facilities.*

A. *Intent and Policy.*

Intent – This Section creates the framework for the siting of *wireless telecommunications facilities* in a manner which: protects the public health, safety and general welfare of the community; provides comprehensive service to the community; protects the community from visual clutter; is compatible with existing and future land use; preserves significant view corridors; reinforces a sense of place and sense of community; and, retains elements of traditional agrarian land use patterns in the outlying areas of the Town of Holly Springs and its extra-territorial jurisdiction.

It is not the purpose or intent of this section to prohibit or have the effect of prohibiting, or materially limit or inhibit, wireless telecommunications communication services; unreasonably discriminate among providers of functionally equivalent wireless telecommunications communication services; regulate the placement, construction or modification of *wireless telecommunications communications facilities* on the basis of the environmental effects of radio frequency emissions where it is demonstrated that the *wireless telecommunications facility* does or will comply with applicable FCC regulations; or prohibit or effectively prohibit *co-locations* or modification that the town must approve under state or federal law. The provisions of this Section are in addition to, and do not replace, any obligations an applicant may have under any franchises, licenses, encroachments, or other permits issued by the Town. [Added Ordinance #19-01]*

Policy - The following policy statements are set forth to provide guidance to wireless communication facility providers in the placement of *wireless telecommunication facilities* within the Town of Holly Springs and its extra-territorial jurisdiction. It is hereby declared that the Town of Holly Springs Telecommunications Policies for the corporate limits of the Town of Holly Springs and its extra-territorial jurisdiction shall be to:

1. Facilitate the comprehensive provision of wireless telecommunication services to the residents and businesses of the Town of Holly Springs and its extra-territorial jurisdiction.
2. Maximize the use of existing and approved *telecommunication towers, buildings, and structures* to accommodate new *wireless telecommunication antennas* in order to minimize the number of *telecommunication towers* needed to comprehensively serve the community.
3. Minimize the number, height, obtrusiveness, and the visual impacts of *telecommunications towers, associated equipment, and buildings.*

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4. Encourage *wireless telecommunication facilities* to be located in areas which are least disruptive to residential, park, *open space*, and greenway *uses* and to be as unobtrusive and invisible as reasonably possible.
5. Ensure that the height of *telecommunications towers* has the least visual impact and is no greater than required to achieve service area requirements and potential *co-location*.
6. Site *telecommunications towers* to minimize locations which are visually solitary or prominent when viewed from residential areas or any public way.
7. Site *telecommunications towers* at locations which are obscured by vegetation, tree cover, topographic features, *buildings* or other *structures* to the maximum extent feasible.
8. Protect views of and vistas from architecturally or historically significant *structures* and historically significant landscapes so that these architectural or historical resources are not impaired or diminished by the placement of *telecommunications towers*.
9. Avoid potential damage to adjacent properties from *telecommunication towers* failure through structural design standards and *setback* requirements.

B. *Wireless Telecommunications Facilities Requirements.*

1. Applicability – Notwithstanding any other provision of this UDO to the contrary, *wireless telecommunications facilities*, when such are permitted by and in compliance with federal law and the laws of the State of North Carolina, shall be regulated and governed by the regulations and requirements of this Section. The provisions set forth in Section 8.01 shall apply to all *small wireless telecommunications facilities*, with the additional provision that color, material, and location of the *small wireless telecommunications facility* are selected to sufficiently conceal the facility in plain sight. [Amended Ordinance 18-03]
2. Amateur Radio Exemption – This Section shall not apply to nor be construed to apply to Amateur Radio Operators who are licensed to operate a radio or transmitter by the Federal Communications Commission under Part 97 of the Federal Communications Commission's Rules.
3. Interference with Public Safety Telecommunications – No new or existing *telecommunications service* shall interfere with public safety telecommunications. Before the introduction of new service or changes in existing service, telecommunication providers shall notify the Town at least ten (10) calendar days in advance of such changes and allow the Town to monitor interference levels during the testing process.

4. Compliance with Other Laws – A *telecommunications tower* shall be erected and operated in compliance with the most current Federal Communication Commission and Federal Aviation Administration rules and regulations and other applicable federal and state standards. All *telecommunications towers* shall comply with all ordinances of the Town of Holly Springs not in conflict with this Section.

[Amended Ordinance #08-01]

C. Siting Hierarchy of *Wireless Telecommunications Facilities (Located outside of the Public Right-of-Way)*. [Amended Ordinance #17-01; 19-01]*

Any applicant for a new wireless facility shall evaluate the reasonable feasibility of co-locating new antennas and equipment on an existing structure or structures within the applicant's search ring, as defined by N.G.G.S. §160A-400.51(7). Co-location on an existing structure is not reasonably feasible if co-location is technically or commercially impractical or the owner of the tower is unwilling to enter into a contract for such use at fair market value. The applicant shall provide to the *Director* all information necessary to determine whether co-location on existing structures is reasonably feasible, including information pertaining to the fair market value of similar contracts. The *Director* shall determine the sufficiency of the information and may employ such experts as outside consultants to evaluate the information. In the event that the *Director* determines outside consultants are necessary, the fee for such consultant shall be fixed in advance as part of the application fee for a new wireless facility. [Added Ordinance 08-01]

Development of *wireless telecommunications facilities* shall be in accordance with the following siting alternatives hierarchy. The order of ranking, from highest to lowest, shall be from sub-Section 1., to sub-Section 2., to sub-Section 3., outlined below. Where a lower ranked alternative is proposed, the applicant must demonstrate by substantial evidence that higher ranked options are not technically feasible or available.

1. *Co-location* – The *co-location* of *antenna* on existing *telecommunication towers* or existing light pole fixtures and associated equipment or *buildings* shall comply with the following regulations: [Amended Ordinance #17-01]
2. The *co-location* or placement of new *telecommunications antennas* upon existing *telecommunications towers* are hereby declared as *permitted uses* in all designated *districts* and may be issued a *UDO permit* by the *Director* provided all *development standards* outlined in Section 8.01, D., 2. – Telecommunications Antennas Mounted on Existing Buildings or Structures below, are met and the *Director* determines that the *co-location* of antennas minimizes adverse visual effects. Pursuant to N.C.G.S. §160A-400.53, *co-location* shall be entitled to a streamline review process as set forth in Section 8.01(G). [Amended Ordinance #08-01; 15-10]
 - a. Associated equipment or *buildings*, when located within an existing compound area that is in compliance with this UDO, may be issued a

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UDO permit by the Director provided all development standards outlined in Section

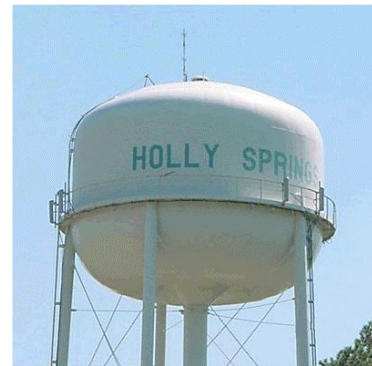
- b. 8.01, D., 2. – Telecommunications Antennas Mounted on Existing Buildings or Structures below, are met and the *Director* determines the placement of the associated equipment or *building* minimizes adverse visual effects.
- c. Should the proposed *co-location* of a new *telecommunications antenna* and the design and placement of associated equipment or *buildings* meet all *development standards* outlined in Section 8.01, D., 2. – Telecommunications Antennas Mounted on Existing Buildings or Structures below, but the *Director* determines the *co-location* of new *telecommunication antenna* does not minimize adverse visual effects; the *Director* shall forward the proposal to the *Town Council* for review and determination by the *Town Council*.



Tagging Monopole with Co-Location Using Slick Antenna

- 3. Any Town-owned *Structure* or *Building* shall be given priority by the applicant for the placement of a new wireless facility. The regulations governing the utilization and placement of the facilities on a Town-owned *Structure* or *Building* according to this section shall be the same as for non-public facilities as outlined in Subsection 3 below. [Amended Ordinance #08-01]

- 4. Existing *Structure* or *Building* Utilization – The utilization of existing *structures* and *buildings* for placement of antenna and associated equipment or *buildings*, including *surface-mounted* and *roof-mounted* applications of *telecommunication antennas* on existing *buildings* and *structure-mounted* applications of *telecommunication antennas* on water towers, electric-line transmission towers, or other existing *structures*, shall comply with the following regulations:



Antenna on an Existing Structure

- a. The placement of new *telecommunications antennas* upon existing *structures* and *buildings* are hereby declared as *permitted uses* in all *districts* and may be issued a *UDO permit* by the *Director* provided all *development standards* outlined in Section 8.01, D., 2. – Telecommunications Antennas Mounted on Existing Buildings or Structures, below, are met and the *Director* determines the placement of the antennas minimizes adverse visual effects.
- b. Associated equipment or *buildings*, when located within an existing *building* or compound area that is in compliance with this *UDO*, may be

issued a *UDO permit* by the *Director* provided all *development standards* outlined in Section 8.01, D., 2. – *Telecommunications Antennas Mounted on Existing Buildings or Structures* below, are met and the *Director* determines the placement of the associated equipment or *building* minimizes adverse visual effects.

Should the proposed placement of a new *telecommunication antenna* and the design and placement of associated equipment or *buildings* meet all *development standards* outlined in Section 8.01, D., 2. – *Telecommunications Antennas Mounted on Existing Buildings or Structures* below, but the *Director* determines the placement of new *telecommunication antenna* or the design or placement of associated equipment or *buildings* does not minimize adverse visual effects, the *Director* shall forward the proposal to the *Town Council* for review and determination by the *Town Council*.

5. Construction of new wireless support structures or substantial modifications of wireless support structures - Construction of new wireless support structures or substantial modifications of wireless support structures and associated equipment or *buildings* shall comply with the following regulations:
 - a. *Wireless telecommunications facilities* requiring the construction or substantial modification of a *telecommunications tower, building, or structure* are hereby declared as *special exception uses* in all *districts* and requiring the approval of a *special exception* prior to the issuance of a *UDO permit* by the *Director*.
 - b. The applicant for a *wireless telecommunications facility special exception* shall demonstrate that they have exhausted all efforts to locate the proposed *telecommunications antennas* upon existing *telecommunications towers, buildings or structures* in the geographical area of the proposed *telecommunications antennas*.

In the event of dispute between wireless communications providers regarding the fair market value of rental for a *co-location* on an existing *telecommunications tower* which is subject to a requirement to provide *co-location* at a reasonable and non-discriminatory basis and at a cost not exceeding fair market value, the applicant shall select an independent appraiser to determine fair market value of such rental. In the event of a dispute over the appraisal results, the Town of Holly Springs shall select a new appraiser. The new appraisals shall be performed at the expense of the wireless communication providers involved in the dispute. This expense shall be equally shared between the wireless communication providers and the results shall be conclusive.

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- c. Additional *Special Exception* Filing Requirements – In addition to the requirements specified in Section 8.01 D: Development Standards, below, all applications for a *special exception* for a new *telecommunications tower* location shall be required to meet the additional requirements specified in Section 9.10 – Special Exception Uses of this UDO and the Town of Holly Springs Development Procedures Manual. [Amended Ordinance #19-01]*

D. Development Standards.

In addition to complying with the requirements for a *special exception use* for the *district* in which the *lot* is located, all *wireless telecommunications facilities* shall comply with the following additional *development standards*:

1. *Telecommunication Tower and Antenna Array*: [Subsections Renumbered Ordinance #15-10]
 - a. **Height** – The maximum height of a *telecommunications tower*, including *antenna array*, shall be less than two-hundred (200) feet above *grade*.
[Amended Ordinance #17-01; 19-01]*
 - b. **Location** – The *telecommunications tower* shall not be located within a *gateway corridor*. [Added Ordinance #15-10, 17-01; 19-01]*
 - c. **Separation** – New *telecommunications towers* shall have the following minimum separation radius from another *telecommunications tower*, measured from the base of the *telecommunications tower* to the base of the *telecommunications tower*:
 - (1) one quarter (1/4) mile radius for proposed *telecommunications towers* less than eighty (80) feet in height;
 - (2) one half (1/2) mile radius for proposed *telecommunications towers* of eighty (80) feet in height or greater but less than one hundred twenty (120) feet in height; or
 - (3) a one (1) mile radius for proposed *telecommunications towers* one hundred twenty (120) feet in height or greater.

In determining the required separation between telecommunication towers of different heights, the required separation for the taller tower shall apply.

- d. **Telecommunications Tower Type** – All new *telecommunications towers* shall be of a tapering monopole construction unless a determination is made in connection with a *special exception* request, that an alternative design would better blend into the surrounding environment and is approved as a *waiver of development standards* as provided for in Section 9.10, A., 1., d., and regulated in Section 9.03, C., 4., b., of this UDO.
- e. **Guys and Guy Anchors** – If a *guyed telecommunication tower* is approved, all guys and guy anchors shall be located within the buildable area of the *lot* and shall not be located within any required *yard* or required *bufferyard*, provided, however, notwithstanding anything in this UDO to the contrary, no guy or guy anchor shall be eligible to utilize any *setback* reduction option contained in any *district*.

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- f. Security Fencing – The base of a *telecommunications tower* and all guy anchors shall be enclosed by security fencing. This fencing shall conform with the requirements detailed in Section 8.01. D., 3., a, below.
- g. Structural Design – A *telecommunications tower* shall be designed and built so as to:
 - (1) be capable of use by at least two wireless communications providers for a *telecommunications tower* less than eighty (80) feet in height;
 - (2) be capable of use by three or more wireless communications providers for a *telecommunications tower* of eighty (80) feet in height or greater;
 - (3) accommodate *antenna arrays* consisting of nine (9) to twelve (12) *antennas* for each *antenna array*, provided, however, this regulation shall not apply to *slick antenna* applications;
 - (4) locate such *antenna arrays* within fifteen (15) vertical feet of each other;
 - (5) have no more than three (3) degrees of twist and sway at the top elevation; and,
 - (6) provide internal cable routing for all tapering monopole *telecommunication towers*.
- h. *Antenna Arrays* and Types – To minimize adverse visual impacts, the *antenna* type used shall be in accordance with the following alternatives hierarchy. The order of ranking, from highest to lowest, shall be (1), (2), (3), (4), and (5) outlined below. Where a lower ranked alternative is proposed, the applicant must demonstrate by substantial evidence that higher ranked options are not technically feasible or available.
 - (1) *Flagpole antenna* (with or without a flag, as appropriate to the setting).
 - (2) *Slick antennas* or *stealth antennas* other than *flagpole antennas*.
 - (3) *Panel antennas*, also known as directional or sectored *antennas*.
 - (4) *Whip antennas*.
 - (5) *Dish antennas*.



Stealth or "Slick"
Antenna



Tree Stealth Antenna



Panel Antenna

[Added Ordinance #08-01]

- i. *Signs* – No lettering, symbols, images, trademarks, *signs*, or advertising shall be placed on or affixed to any part of a *telecommunications tower*, *antenna array* or *antenna*, other than as required by Federal Communications Commission regulations regarding *telecommunications tower* registration or other applicable law.
- j. *Safety* – *Telecommunications towers* shall be constructed to minimize potential safety hazards. *Telecommunications towers* shall be constructed so as to meet or exceed the most recent *EIA-222* standards, and prior to issuance of a *UDO permit*, the *Director* shall be provided with an engineer's certification that the *telecommunications tower's* design meets or exceeds such *EIA-222* standards. *Guyed telecommunications towers* shall be located in such a manner that if the *telecommunications tower* should fall along its longest dimension, the *telecommunications tower* will remain within the *lot lines* and avoid *dwelling units*, *habitable structures*, *public street rights-of-way*, utility lines and other *telecommunications towers*.
- k. *Lights* – No signals, lights or other illumination shall be permitted on *telecommunications towers* unless required by the Federal Communications Commission, the Federal Aviation Administration, or the Town of Holly Springs. When incorporated into the approved design of the *telecommunications tower*, *outdoor light fixtures* used to illuminate ball fields, *parking areas*, or similar areas, in compliance with the requirements of Section 7.02 – Lighting Standards of this UDO, may be attached to the *telecommunications tower*.

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1. Modifications - If any additions, changes or modifications are to be made to a *telecommunications tower*, the *Director* shall have the authority to require proof, through the submission of engineering and structural data, that the addition, change or modification conforms to structural wind load and all other requirements of the current Building Code adopted by the Town of Holly Springs.
2. *Telecommunications Antennas Mounted on Existing Buildings or Structures.*
 - a. *Roof-Mount* - *Roof-mounted telecommunications antennas* are permitted on *buildings* and *structures* in all *districts*, except for *single family dwellings* or *two family dwellings*, without further *special exception* proceedings, provided:



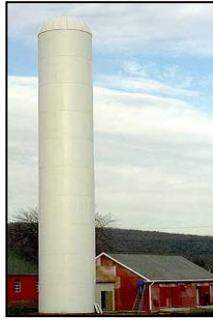
Clock Towers and Church Steeples

[Added Ordinance #08-01]

- (1) a *non-whip antenna*:
 - (a) does not exceed the height of the *building* by more than ten (10) feet; and,
 - (b) shall be no closer than ten (10) feet to the perimeter of the *building*.
- (2) a *whip antenna*:
 - (a) does not exceed the height of the *building* by more than fifteen (15) feet; and,
 - (b) shall be no closer than fifteen (15) feet to the perimeter of the *building*.
- (3) *Roof-mounted telecommunications antenna* and associated equipment located on *buildings* within a *gateway corridor* shall:
 - (a) be screened in elevation view with enclosures or facades having an appearance that blends with the *building* on which they are located; and,

- (b) be located so they are not visible from an adjacent *public right-of-way*.
- (4) Prior to installation of a *roof-mounted telecommunications antenna* or equipment, the *Director* shall be provided with an engineer's certification that the roof will support the proposed *telecommunications antenna* or associated *roof-mounted* equipment.
- b. *Surface-Mount - Surface-mounted telecommunications antennas* are permitted on *buildings* or *structures* in all *districts* without further *special exception* proceedings, provided:
- (1) the *antenna* is of the *non-whip antenna* type;
- (2) the *non-whip antenna* is mounted flush with the exterior of the *building* or *structure* so that it projects no more than thirty (30) inches from the surface of the *building* or *structure* to which it is attached; and,
- (3) the *non-whip antenna's* appearance is designed to blend with the surrounding surface of the *building* or *structure*.
- 
- Surface Mount Antenna
- c. Other Existing *Structures - Telecommunications antennas* are permitted on existing utility, lighting, *telecommunications towers* and other *structures* in all *districts* without a *special exception* provided:
- (1) the existing utility, lighting, *telecommunications towers* and other *structure* exceeds fifty (50) feet in height above *grade*;
- (2) the *telecommunications antenna* does not exceed the height of the *structure* by more than ten (10) feet if a *non-whip antenna* or fifteen (15) feet if a *whip antenna*.
- (3) Existing *structures* may be rebuilt if necessary to support the load of the new *telecommunications antenna* without further zoning proceedings if, in the sole discretion of the *Director*, the rebuilt *structure* is substantially similar in appearance to the existing *structure* it replaces.

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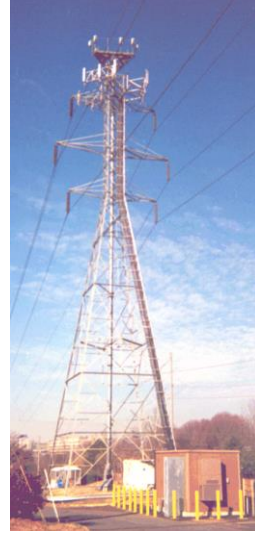
Silo



Light Pole

[Added Ordinance #08-01]

- d. Separation - *Telecommunications antennas* located on existing *buildings* or *structures* are not subject to the separation requirement noted in Section 8.01, D, 1. b., above.



Telecommunications Antenna on Existing Utility Poles and Towers

- e. Application - When an application for a *UDO permit* to locate a *telecommunications antenna* on an existing *building* or other *structure* is made, the *Director* shall be provided with color photo simulations showing the site of the existing *structure* with a photo-realistic representation of the proposed *telecommunications antenna* and the existing *structure* or any proposed reconstruction of the *structure* as it would appear viewed from the closest residential *district* and from adjacent *public right-of-way*. The applicant shall also submit photographs of the same views as in the photo simulations showing the current appearance of the site without the proposed *telecommunications antenna*.

3. Associated Equipment or *Buildings* and Compound Area Requirements:
 - a. Fencing and Landscaping of Ground Mounted Associated Equipment or *Buildings*:
 - (1) Fencing Required - The compound area and all guy anchors shall be secured with a fence of not less than six (6) feet in height nor more than ten (10) feet in height. A security wire (barbed, razor, etc.) may be located on the *telecommunications tower*-side of the fence but shall not extend above the top of the fence. The type of fence selected shall, in the determination of the *Director*, be compatible with development in the surrounding area. A chain link fence, if used, shall be black vinyl coated.
 - (2) Landscaping Required – Landscaping shall be installed around the perimeter of the fenced compound area running the full length of all sides of the compound area or *building*, except for entry gates or doors. The type of landscaping required shall be based upon the sight barrier of the fence. If the fence has a sight barrier of:
 - (a) less than fifty (50) percent, a ten (10) foot wide landscaping strip running the full length of all sides of the compound area or *building*, except for entry gates or doors, with a Type C landscaping with a *plant unit value* of not less than seventy-five (75) shall be installed on the outside of the fenced area; or,
 - (b) greater than fifty (50) percent but less than eighty (80) percent, a ten (10) foot wide landscaping strip running the full length of all sides of the compound area or *building*, except for entry gates or doors, with a Type B landscaping with a *plant unit value* of not less than fifty (50) shall be installed on the outside of the fenced area; or,
 - (c) eighty (80) percent or greater, a ten (10) foot wide landscaping strip running the full length of all sides of the compound area or *building*, except for entry gates or doors, with a Type A landscaping with a *plant unit value* of not less than twenty (20) shall be installed on the outside of the fenced area.
 - (3) *Interior access drives* or *walkways* that lead to the entry into the compound area or *building* shall be hard-surfaced with asphalt or concrete.

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b. Exterior Materials and Roof Pitch of Associated Equipment or *Buildings*.

- (1) Associated equipment *buildings*, whether ground or *roof-mounted* and not enclosed by a fence providing a sight barrier of one hundred (100) percent, shall be similar in color, exterior material, and character to the main or adjoining *building* or *structure*. If ground mounted the roof pitch of the associated equipment *building* shall match the pitch of any existing *building* or *structure*.



- (2) When an equipment *building* is located on a *lot* that does not contain an existing *building* or *structure* and is not enclosed by a fence providing a sight barrier of one hundred (100) percent, the exterior material shall be either brick or stone. The roof pitch shall not be less than a three (3) foot vertical rise for each twelve (12) foot horizontal run nor greater than a twelve (12) foot vertical rise for each twelve (12) foot horizontal run.



Cover for Utility Equipment

[Added Ordinance #08-01]

E. Abandonment and Removal of *Telecommunications Towers, Antenna Arrays, Associated Equipment and Buildings.*

1. Abandonment - *Telecommunications towers, antenna arrays*, associated equipment and *buildings* which have not been used for a period of one (1) year shall be deemed abandoned and shall be removed from the site.
2. Notice Required – The owner of the *telecommunications tower* and the last service provider to use a *telecommunications tower* shall notify the *Director* within thirty (30) days that use of a *telecommunications tower* has been discontinued.
3. Security - Every *telecommunications tower* owner and all service providers shall:
 - a. Establish a cash security fund or irrevocable letter of credit to secure the payment of removing the *telecommunications towers, antenna arrays*, associated equipment and *buildings* that have been determined to be abandoned, or found to be in non-compliance with this UDO, and to provide the Town of Holly Springs a fund from which to deduct fines and penalties for non-compliance with this UDO or other applicable laws in the following amounts:
 - (1) The amount to be provided for each *telecommunications tower* shall be twenty-five thousand dollars (\$25,000).
 - (2) The amount for each *antenna array* on the *telecommunications tower* shall be five thousand dollars (\$5,000);or,
 - b. In lieu of the cash security fund or irrevocable letter of credit, said *telecommunications tower* owner and all service providers shall file and maintain with the Town of Holly Springs a bond in the following amounts:
 - (1) Twenty-five thousand dollars (\$25,000) for each *telecommunications tower*; and,
 - (2) Five thousand dollars (\$5,000) for each *antenna array*.

Any reduction in the security fund provided, because of deductions of fines, penalties, or removal costs, shall be replenished to the total of the required amount within thirty (30) days after notice from the Town of Holly Springs of the amount deducted and the deficiency created hereby.

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4. Refund - Within a reasonable period of time, not to exceed three (3) months after the *telecommunications tower* and/or *antenna array* is removed, any remaining funds on deposit with the Town of Holly Springs pursuant to this Section, after application and above all expenses provided for herein, shall be refunded to the appropriate owner or provider who created the security fund.

F. Limitations on Special Exceptions

1. A *special exception* which does not fully comply with the Telecommunications Policies contained herein for *telecommunications towers* may be granted upon a determination that such a grant better accomplishes the Telecommunications Policies set out in this Section than would a strict application of these Telecommunication Policies. Such deviations from the Town of Holly Springs Telecommunications Policy shall be no greater than necessary to accomplish those policies.
2. A *special exception* which does not comply with the *development standards* of this Section 8.01 may only be granted upon:
 - a. approval of a *waiver of development standards* as provided for in Section 9.10, A., 1., d., and regulated in Section 9.03, C., 4., b. of this UDO; or,
 - b. separate application for and approval of a *variance of development standards* pursuant to the requirements of Section 9.03 – Board of Adjustment of this UDO and the Town of Holly Springs Development Procedures Manual.

G. Streamlined Approval of Applications for Co-location

1. The following provisions of N.C.G.S. §160A-53 shall apply to applications for proper co-location of wireless facilities:
 - (a) Applications for co-location entitled to a streamline processing under this section shall be reviewed for conformance with applicable site plan and building permit requirements but shall not otherwise be subject to zoning requirements, including design or placement requirements, or public hearing review.
 - (b) Applications for co-location of wireless facilities are entitled to streamline processing if the addition of the additional wireless facility does not exceed the number of wireless facilities previously approved for the wireless support structure on which the co-location is proposed and meets all the requirements and conditions of the original approval.

This provision applies to wireless support structures which are approved on or after December 1, 2007.

- (c) The streamlined process set forth in subsection (a) of this section shall apply to all co-locations, in addition to co-locations qualified for streamlined processing under subsection (b) of this section that meet the following requirements:
- (1) The co-location does not increase the overall height and width of the tower or wireless support structure to which the wireless facilities are to be attached.
 - (2) The co-location does not increase the ground space area approved in the site plan for equipment enclosures and ancillary facilities.
 - (3) The wireless facilities in the proposed co-location comply with applicable regulations, restrictions, or conditions, if any, applied to the initial wireless facilities placed on the tower or other wireless support structure.
 - (4) The additional wireless facilities comply with all federal, State and local safety requirements.
 - (5) The co-location does not exceed the applicable weight limits for the wireless support structure.

[Added Ordinance #08-01]

H. Special Regulations for *Small Wireless Telecommunication Facilities* (Located within the *Public Right-of-Way*) [Reference: North Carolina General Statutes (GS §160A-400.54-57)] [Added Ordinance #19-01]*

To protect the unique aesthetics of the Town, to minimize new visual, aesthetic, and public safety impacts, and to reduce the need for additional antenna-supporting structures, the Town prefers that *small wireless telecommunication facilities* be located outside the public *right-of-way*; co-located on existing utility poles or wireless support *structures*; concealed; and have their accessory equipment mounted on the utility pole or wireless support *structure*.

The following requirements are intended to be reasonable for *small wireless telecommunication facilities* located within the public *right-of-way* while avoiding the intangible public harm of unsightly or out-of-character deployments and are implemented as requirements for an application for *small wireless telecommunication facilities*. Unless otherwise defined by this *Ordinance*, all definitions are the same as defined in North Carolina General Statutes Chapter 160A, Part 3E.

1. Siting Hierarchy of *Small Wireless Telecommunication Facilities* Located within the Public *Right-of-way*.

Any applicant for a new *small wireless telecommunication facilities* shall evaluate the reasonable feasibility of co-locating new antennas and equipment on existing utility poles, light pole fixtures, or wireless support *structures* within the applicant's search ring. *Co-location* on existing utility poles, light pole fixtures, or wireless support *structures* is not reasonably feasible if *co-location* is technically or commercially impractical or the owner of the existing utility poles, light pole fixtures, or wireless support *structures* has refused in writing to the requesting party, after having been offered the fair market fee for *co-location*, to enter into a contract for such use at fair market value. Minor alterations or adjustments to the location or technical specifications of the *small wireless telecommunication facility* as a result of *co-locating* on an existing utility pole, light pole fixture, or wireless support *structure* shall not constitute a technical or commercial impracticality. The applicant shall provide to the *Town* all information necessary to determine whether *co-location* on existing utility poles, light pole fixtures, or wireless support *structures* is reasonably feasible, including information pertaining to the fair market value of similar contracts. The *Town* shall determine the sufficiency of the information and may employ such experts as outside consultants to evaluate the information. In the event that the *Town* determines outside consultants are necessary, the fee for such consultant shall be fixed in advance as part of the application fee for a new *small wireless telecommunication facilities*.

Development of *small wireless telecommunication facilities* shall be in accordance with the following siting alternatives hierarchy. The order of ranking, from highest to lowest, shall be from sub-Section a., to sub-Section b., outlined

below. Where a lower ranked alternative is proposed, the applicant must demonstrate by substantial evidence that higher ranked options are not technically feasible or available.

- a. *Co-location* – The *co-location* of *small wireless telecommunication facility* on existing utility poles, light pole fixtures, or wireless support *structures* and associated equipment or *buildings* shall comply with the following regulations:
 - (1) Height - Each new *small wireless telecommunication facility* shall not extend more than ten (10) feet above the existing utility pole, light pole fixture, or wireless support structure on which it is *co-located*. No new *small wireless telecommunication facility* shall be *co-located* on any utility pole, light pole fixture, or wireless support structure that is less than fifteen (15) feet above grade.
 - (2) Separation – *Co-location* of *small wireless telecommunication facilities* on existing utility poles, light pole fixtures, or wireless support *structures* are not subject to a separation requirement.
 - (3) Objective Design Standards
 - (a) *Small wireless telecommunication facilities* to be *co-located* on an existing utility pole, light pole fixture, or wireless support *structure* shall be designed to match the style and color of the existing utility pole, light pole fixture, or support *structure* and designed such that all cabling is inside the existing utility pole, light pole fixture, or wireless support *structure*, provided, however if cabling cannot be located inside the existing utility pole, light pole fixture, or support *structure* that cabling is located within a solid enclosure that is designed to match the style and color of the existing utility pole, light pole fixture, or support *structure*.
 - (b) Stealth and Concealment.
 - (i) All *small wireless telecommunication facilities* shall be *stealth antenna* facilities. *Stealth antenna* and accessory equipment must be shrouded or otherwise concealed.

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Small Wireless Telecommunication Facility photo simulation showing example of stealth antenna facility on an existing utility pole, light pole fixture, or wireless support structure. Image Credit: Crown Castle

- (c) Screening & Landscaping Requirements for Ground Equipment.
 - (i) To mitigate the visual impacts of unsightly or out-of-character *small wireless telecommunication facilities*, ground equipment shall be screened, to the extent possible as approved by the government body with jurisdiction of the *right-of-way* in which the *small wireless telecommunication facility* is to be located.
 - (4) Prior to installation of a *small wireless telecommunication facility* or equipment, the *Town* shall be provided with an engineer's certification that existing utility pole, light pole fixture, or wireless support structure will support the proposed *small wireless telecommunication facility* or equipment.
- b. New *Small Wireless Telecommunication Facilities* - Construction of new *small wireless telecommunication facilities* on new utility poles or wireless support *structures* and associated equipment or *buildings* shall comply with the following regulations:
 - (1) Height – The maximum height of new utility poles or wireless support *structures* shall be fifty (50) feet above *grade*. Each new *small wireless telecommunication facility* shall not extend more than ten (10) feet above the utility pole or wireless support *structure* on which it is located. Notwithstanding the above, in no instance in an area zoned single-family residential where the existing utilities are installed underground shall a utility pole or wireless support *structure* exceed forty (40) feet above *grade*. No new *small wireless telecommunication facility* shall be located on

any utility pole or wireless support structure that is less than fifteen (15) feet above grade.

- (2) Location
 - (a) No portion of a new utility pole or wireless support *structure* associated with a *small wireless telecommunication facility* may be placed in the public *right-of-way* in a manner that does any of the following: Obstructs pedestrians or vehicular or bicycle access, obstructs sight lines or visibility for traffic, traffic signage, or signals; public art or focal points, or interferes with access by persons with disabilities. An applicant may be required to place equipment in vaults located underground to avoid obstructions or interference.
 - (b) To the greatest extent possible, a new utility pole or wireless support *structure* associated with a *small wireless telecommunication facility* shall align with existing utility poles, light pole fixtures, or wireless support *structures* installed in the *right-of-way*.
- (3) Separation – New small wireless telecommunication facilities shall have the following minimum separation radius from another small wireless telecommunication facility:
 - (a) For the same wireless telecommunication provider:
 - (i) Each new *small wireless telecommunication facility* shall not be located such that the anticipated coverage ring of the *small wireless telecommunication facility* substantially overlaps the coverage ring of any other *wireless telecommunication facility*. Substantial overlap shall be defined as the more than ten (10) percent overlap between the anticipated coverage ring of a new *small wireless telecommunication facility* and the coverage ring of any other existing *wireless telecommunication facility* of the same provider; this definition shall also apply between the anticipated coverage rings of two or more new *small wireless telecommunication facilities*. Coverage Ring shall be defined as the approximate area of coverage that each *small wireless telecommunication facility* is able to provide; or in the case of new *small wireless telecommunication*

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facilities, the approximate area the *small wireless telecommunication facility* is anticipated to provide. Coverage is defined as the area in which a person or entity is able to establish an electronic connection with the *small wireless telecommunication facility*.

- (ii) If an applicant desires that a new *small wireless telecommunication facility* be located within the prescribed distance and is necessary, such *small wireless telecommunication facility* shall be reviewed by the *Director of Engineering* and approved on a case by case basis.
- (b) For different wireless telecommunication providers:
 - (i) Each new *small wireless telecommunication facility* of different providers shall not be located within three hundred (300) feet of another *small wireless telecommunication facility* unless the applicant can show that locating the *small wireless telecommunication facility* within the prescribed distance is necessary. Such *small wireless telecommunication facility* shall be reviewed by shall be reviewed by the *Director of Engineering* and approved on a case by case basis.
- (4) Objective Design Standards
 - (a) Appearance
 - (i) *Small wireless telecommunication facilities* and utility poles and wireless support *structures* shall be compatible with the surrounding area. Where existing street light fixtures are present, the utility pole or wireless support *structure* color shall match that of the street light fixture pole and shall be located in such a manner as to visually appear to be part of a common scheme of street light fixture pole placement. Within the adopted Village District Area Plan boundary as indicated in the *Comprehensive Plan*, utility poles and wireless support *structures* shall be black powder coated.
 - (ii) Utility poles and wireless support *structures* shall be made of galvanized steel or comparable material except when otherwise required by applicable

federal or state regulations. Wood utility poles and wireless support *structures* shall be prohibited.

- (iii) *Small wireless telecommunication facilities* shall be located, designed, and/or screened to blend in with the existing natural or built surroundings to reduce the visual impacts as much as possible, and to be compatible with neighboring *land uses* and the character of the community.

(b) Stealth and Concealment.

- (i) All *small wireless telecommunication facilities* shall be *stealth antenna* facilities. *Stealth antenna* and accessory equipment must be shrouded or otherwise concealed.



Small Wireless Telecommunication Facility photo simulation showing example of stealth antenna facility on new utility pole or wireless support structure. Image Credit: Montgomery County, Crown Castle; Crown Castle; City of Gaithersburg, Crown Castle

(c) Screening & Landscaping Requirements for Ground Equipment.

- (i) To mitigate the visual impacts of unsightly or out-of-character *small wireless telecommunication facilities*, ground equipment shall be screened, to the extent possible as approved by the government body with jurisdiction of the *right-of-way* in which the *small wireless telecommunication facility* is to be located.

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2. Maintenance
 - a. All *small wireless telecommunication facilities* and related equipment, including but not limited to fences, cabinets, poles, and landscaping, shall be maintained in good working condition over the life of the use. This shall include keeping the *structures* maintained to the visual standards established at the time of approval. The *small wireless telecommunication facilities* shall remain free from trash, debris, litter, graffiti, and other forms of vandalism. Any damage shall be repaired as soon as practicable, and in no instance more than thirty (30) calendar days from the date of notification by the *Town*. In *public rights-of-way*, damaged or deteriorated components must be corrected within five (5) business days of notification.
 - b. No lettering, symbols, images, trademarks, *signs*, or advertising shall be placed on or affixed to any part of a *small wireless telecommunication facility*, other than as required by Federal Communications Commission regulations regarding *small wireless telecommunication facilities* registration or other applicable law.
3. Filing Requirements - All applications for a *small wireless telecommunications facility* shall be required to meet the filing requirements specified in the Town of Holly Springs Development Procedures Manual.