

**TEXT AMENDMENT 20-04**

Ordinance #XXXX/XX-XX

Applicant: City of High Point

AN ORDINANCE AMENDING THE CITY OF HIGH POINT DEVELOPMENT ORDINANCE

**WHEREAS**, the City of High Point adopted the “City of High Point Development Ordinance” on May 16, 2016, with an effective date of January 1, 2017, and subsequently amended; and

**WHEREAS**, public hearings were held before the Planning and Zoning Commission on November 10, 2020 and before the City Council on December 7, 2020 regarding Text Amendment 20-04; and

**WHEREAS**, notice of the public hearings was published in the High Point Enterprise on November 3, 2020 for the Planning and Zoning Commission public hearing, and on November 25, 2020 and December 2, 2020 for the City Council public hearing pursuant to Chapter 160A-364 of the General Statutes of North Carolina.

**NOW THEREFORE**, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HIGH POINT, NORTH CAROLINA:

**SECTION 1.**

That Table 2.1.2.: *Summary Development Review Table*, is hereby amended as follows to insert, in alphabetic order, a new row entitled *Wireless Telecommunications Permit* and to renumber the Section Reference for *Zoning Compliance Permit*.

TABLE 2.1.2. SUMMARY DEVELOPMENT REVIEW TABLE											
Pre-application Conference & Citizen Information Meeting: M = Mandatory O = Optional Type of Action: C = Comment R = Recommendation D = Decision A = Appeal Type of Hearing: { } = Public Hearing [ ] = Quasi-Judicial Public Hearing Table symbols: "." = not applicable / = see notes											
Procedure	Section Reference	Pre-application Conference	Citizen Information Meeting	Review Authorities							
				Staff				Decision-Making Bodies			
				Planning and Development Director	Engineering Services Director	Technical Review Committee (TRC)	Urban Forestry Committee (UFC)	Historic Preservation Commission (HPC)	Planning & Zoning Commission (P&Z)	City Council	Board of Adjustment (BOA)
PROCEDURES SUBJECT TO STAFF REVIEW AND DECISION											
<u>Wireless Telecommunications Permit</u>	<u>2.5.15</u>	<u>O</u>	:	:	:	<u>D</u>	:	:	:	:	<u>[A]</u>
Zoning Compliance Permit	<del>2.5.15</del> <u>2.5.16</u>	O	.	D	.	.	.	.	.	.	[A]

**SECTION 2.**

That Table 2.2.7., *Technical Review Committee (TRC)*, regarding TRC powers and duties, is hereby amended as follows:

TABLE 2.2.7.: TECHNICAL REVIEW COMMITTEE (TRC)	
<b>A. POWERS AND DUTIES</b>	<b>1. APPLICATION REVIEW AND DECISION - TO REVIEW AND DECIDE APPLICATIONS FOR:</b>
	(a) Easement reconveyances;
	(b) Group developments;
	(c) Preliminary plans;
	(d) Right-of-way encroachments (below ground); <del>and</del>
	(e) Site plans; <u>and</u>
(f) <u>Wireless telecommunications permits</u>	

**SECTION 3.**

*(Regarding using the administrative adjustment process to allow a reduction in required collations in certain situations)*

**PART A**

That Table 2.5.2.C., *Administrative Adjustment Amount*, is hereby amended as follows:

TABLE 2.5.2.C.: ADMINISTRATIVE ADJUSTMENT AMOUNT		
STANDARD	MAXIMUM ADMINISTRATIVE ADJUSTMENT IN CORE CITY AREA	MAXIMUM ADMINISTRATIVE ADJUSTMENT OUTSIDE CORE CITY AREA
Maximum building height (except where increases in maximum height are prohibited in this Ordinance)	20%	10%
Minimum building setbacks	20%	10%
Maximum residential density	20%	10%

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Minimum required lot width	20%	10%
Minimum lot area	20%	10%
Minimum required parking spaces	20% [1]	10% [2]
Average landscape yard width	20%	10%
Minimum open space amount	20%	10%
Minimum active recreational area open space	20%	10%
Remove or cover an existing window	2 [3]	n/a
<b><u>Minimum required wireless telecommunication collocations</u></b>	<b><u>2 [4]</u></b>	<b><u>2 [4]</u></b>

NOTES

[1] Allowed when other parking alternatives cannot be utilized. New construction and building addition space are not eligible for reduced parking.

[2] Allowed for existing development to retrofit parking to conform to the landscaping regulations or to allow an existing or new development to preserve trees within or adjacent to a vehicular use area.

[3] Allowed for up to 2 windows for non-occupiable space in an existing building in the CB, MS or MX districts.

**[4] Allowed to reduce up to 2 required wireless telecommunication collocations for a wireless support structure.**

**PART B**

That Section 2.5.2.E., *Administrative Adjustment Review Standards*, are hereby amended as follows:

- E. **Administrative Adjustment Review Standards** An administrative adjustment shall be approved on a decision the applicant demonstrates all of the following:
1. The administrative adjustment is consistent with the thresholds for an administrative adjustment established in this section;
  2. The administrative adjustment is consistent with the character of development on surrounding land, and is compatible with surrounding land uses;
  3. The administrative adjustment is either:
    - (a) Required to compensate for some unusual aspect of the site or the proposed development that is not shared by landowners in general;
    - (b) Supports an objective or goal from the purpose and intent statements of the zoning district where it is located; or
    - (c) Saves healthy existing trees; **or**

**(d) For telecommunication collocations, it is determined there is sufficient coverage for the area that does not warrant additional collocations.**
  4. The administrative adjustment will not pose a danger to the public health or safety;
  5. Adverse impacts resulting from the administrative adjustment will be fully mitigated; and
  6. The development standard being adjusted is not the subject of a previously approved administrative adjustment on the same site.
  7. The development standard being adjusted is not expressly prohibited by a condition of approval.

## **SECTION 4.**

That Section 2.5., *Review Procedures Subject to Staff Review and Decision*, is hereby amended to add a new subsection 2.5.15. entitled *Wireless Telecommunications Permit*, and that existing subsection 2.5.15., *Zoning Compliance Permit* shall be renumbered 2.5.16.

### **2.5.15. – Wireless Telecommunications Permit**

#### **A. Applicability**

**Approval of a wireless telecommunications permit (WTP) is required for all wireless telecommunication facilities prior to any such facilities being erected, replaced, relocated, or altered, unless exempted in accordance with Section 4.3.3.F.3., Wireless Telecommunication Facility.**

#### **B. Wireless Telecommunications Permit Review Procedure**

**1. Pre-Application Conference Optional (see Section 2.3.2., Pre-Application Conference).**

**2. Application Submittal and Acceptance**

**(a) Applicable (see Section 2.3.4., Application Submittal and Acceptance).**

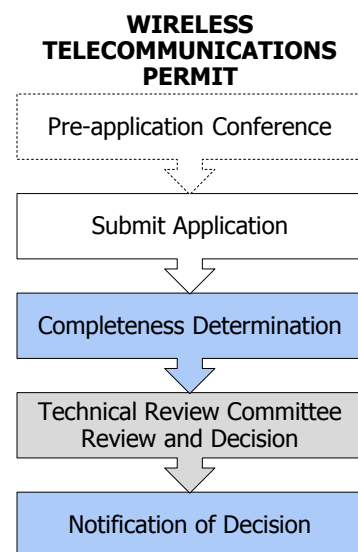
**(b) Any small wireless facility in or on City street rights-of-way, City-owned land, City-owned structures or City-owned infrastructure shall be in compliance with an approved master small wireless facility license agreement.**

**(c) If a watershed development plan, landscape plan, or land disturbance plan is required, they shall be obtained concurrently with the wireless telecommunications permit approval.**

**3. Staff Review and Action**

**(a) Applicable (see Section 2.3.5., Staff Review and Action).**

**(b) The TRC shall review and decide the application in accordance with Section 2.5.15.C., Wireless Telecommunications Permit Review Standards.**



**(c) The TRC may grant conditional approval of a WTP pending additional revision by the applicant. In the case of a conditional approval, the applicant shall revise the application to address all TRC comments and re-submit the revised application to the Planning and Development Director, who shall convert the conditional WTP approval to an approval, upon finding the revised WTP application complies with all TRC comments. Failure to submit a revised WTP application shall render the conditional approval null and void.**

**(d) All applications for a WTP shall be granted a certificate of compliance upon satisfactory completion of all requirements in accordance with Section 2.5.15.C., Wireless Telecommunications Permit Review Standards.**

**(e) The Planning and Development Director may require the applicant to submit a financial guarantee (see Section 2.6, Financial Guarantees) in an amount necessary to ensure that any work not completed as specified in the WTP will be completed within the specified timeframe for a certificate of compliance.**

**C. Wireless Telecommunications Permit Review Standards**

**A wireless telecommunications permit shall be approved on a decision the application complies with:**

- 1. The standards in Section 4.3.3.F.3., Wireless Telecommunication Facility;**
- 2. The State Building Code;**
- 3. All standards or conditions of any prior applicable permits and developments approvals;**
- 4. A master small wireless facility license agreement, if applicable; and**
- 5. All other applicable requirements of this Ordinance and the City Code of Ordinances.**

**D. Conditions of Approval**

**Applicable (see Section 2.3.10, Conditions of Approval).**

**E. Effect**

**Applicable (see Section 2.3.12, Effect of Development Approval).**

**F. Amendment**

**Amendment of a wireless telecommunications permit may only be reviewed and considered in accordance with the procedures and standards established for its original approval.**

**G. Expiration**

- 1. The issuance of a wireless telecommunications permit establishes a vested right in accordance with Section 1.10.1, *Development Permit*.**
- 2. A wireless telecommunications permit shall expire and become null and void within 1 year of issuance unless the development activity authorized by the permit has substantially commenced.**

**H. Appeal**

**Applicable (See Section 2.4.3., Appeal).**

**SECTION 5.**

That all references to Section 2.5.15., *Zoning Compliance Permit*, are hereby changed to reference Section 2.5.16., *Zoning Compliance Permit*, in the following sections of the Development Ordinance:

- Section 2.5.14. – *Site Plan*, subsection E.1.
- Section 2.5.16. – *Zoning Compliance Permit*, subsection B.3.(b)
- Section 4.5.2. – *Applicability*
- Section 5.11.2. – *Applicability*
- Section 8.4.5. – *Government Acquisition of Land*

**SECTION 6.**

That Section 4.1.9. *Principal Use Table*, Table 4.1.9. *Principal Use Table*, is hereby amended as shown in the rows titled Utilities in the section of the table reproduced below, removing the major and minor classifications, and establishing one classification for the Wireless telecommunications facility use type.

USE CATEGORY	USE TYPE	R-3	R-5	R-7	RM-5	RM-16	RM-26	TO	OI	LB	GB	RC	CB	EC	LI	HI	AGR	I	PNR	MS	MX	District Use Prohibition	Additional Standards
Institutional Use Classification																							
<u>Utilities</u>	<del>Wireless telecommunication facility, major</del>	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$		4.3.3 F.3
<u>Utilities</u>	Wireless telecommunications facility, <del>minor</del>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		4.3.3 F.3



**SECTION 7.**

That Section 4.2.5., Institutional Use Classification, Table 4.2.5. - Institutional Use Classification is hereby amended as shown in the row titled G. *Utilities* in the section of the table reproduced below, removing the major and minor classifications, and establishing one classification for the Wireless telecommunications facility use type.

<b>G. UTILITIES</b>	<b>2. USE TYPES:</b>	
	(d) Wireless telecommunications facility	A facility engaged in the transmission or reception of wireless communications signals consisting of digital or analog voice and data information. Wireless telecommunications facilities include free-standing towers, antenna, and ground-based equipment. Antenna may also be placed on buildings and other structures such as water towers, electrical transmission towers, church steeples, and other vertical projections. Accessory uses typically include equipment buildings and parking areas. Additional definitions related to concealed wireless facility <del>(stealth wireless facility)</del> uses are included in <u>Section 10.4</u> , Definitions.
		<del>—1) Major — Any application for wireless facilities and/or wireless support structures other than those meeting the definition of a minor wireless telecommunications facility.</del>
		<del>—2) Minor — Any application for a wireless facility and/or wireless support structure that:</del>
		<del>—(a) Is a new wireless support structure that is 60 feet or less in height or collocated on an existing building in accordance with Section 4.3.3 F.3(e)(4), Collocation of Antennae on an Existing Building, located in any zoning district, or</del>
		<del>—(b) Is a new wireless support structure that is 200 feet or less in height in any PNR, I, LI, or HI zoning district, or</del>
<del>—(c) Is a concealed wireless facility that is 80 feet or less, in any residential zoning district, or</del>		

		<del>—(d) Is a concealed wireless facility that is 150 feet or less in height in any zoning district except residential, or</del>
		<del>—(e) Is a monopole or replacement pole located on public property or within an electrical transmission line easement in any zoning district, or</del>
		<del>—(f) Is considered a substantial modification, as defined in this ordinance, of an existing wireless facility or support structure.</del>

**SECTION 8.**

That Section 4.3.3.F.3., Wireless Telecommunication Facility (Major and Minor) is hereby amended as follows:

**3. Wireless Telecommunication Facility (Major and Minor)**

(a) **Purpose** This section establishes general standards for the siting of wireless telecommunications facilities that will provide for the public health, safety, and welfare. The standards are intended to ensure that residents, businesses, and public safety operations in the city have reliable access to wireless telecommunications networks and state of the art mobile broadband communications services. More specifically, the provisions of this section are intended to:

- (1) Ensure adequate protection of residential areas and uses from potential adverse **visual and equipment failure** impacts of wireless ~~facilities support structures and antennae~~, and to generally encourage the location of these facilities in areas where adverse **visual and equipment failure** impact on the community is minimal;
- (2) Strongly encourage **collocation first on existing base stations and wireless support structures (WSS) and second on new base stations** ~~the joint use of new and existing wireless support structures~~ so as to minimize the number of new towers throughout the city, ~~and establish stealth towers as the primary option for single user wireless facilities;~~
- (3) ~~Enhance the ability of telecommunications services providers to provide services to the community quickly, effectively, and efficiently; and~~

**Establish concealed base stations, utility poles and towers as the primary option for new wireless facilities to minimize adverse visual impact;**

- (4) ~~Encourage wireless support structures that are carefully engineered, sited, and screened to avoid potential damage to adjacent properties from tower failure, and to minimize adverse visual impact.~~

**Enhance the ability of wireless providers to provide services to the community quickly, effectively, and efficiently;**

- (5) **Require wireless facilities that are carefully engineered, sited, and screened to avoid potential damage to adjacent properties from equipment failure;**

- (6) **Preserve the unique character of the street frontages in neighborhoods and in city rights-of-way by requiring use of concealed utility poles for small wireless facilities in designated areas with existing or proposed decorative lighting standards, to the maximum extent practicable;**

- (7) **Maintain consistency with the City's adopted policy guidance;**

- (8) **Protect to the maximum extent possible, aesthetic qualities addressed and described in approved area plans; and**

- (9) **Minimize adverse visual and aesthetic impacts to the community of new small wireless facilities in all street rights-of-ways with the installation of underground utilities in all street rights-of-way where underground utilities are established or approved to be located or relocated.**

- (b) **Applicability** A new wireless ~~telecommunications~~ facility, whether considered a principal or accessory use **and outside or inside City street rights-of-way**, shall comply with the standards of this section, unless specifically exempted in accordance with subsection (c) below. All wireless facilities ~~and support structures~~ shall comply with or exceed current standards and regulations of the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC) and any other agency of the State or federal government that regulates telecommunications facilities.
- (c) **Exemptions** The following shall be exempt from the wireless telecommunication facility standards of this section, but shall be required to comply with all other relevant standards in this Ordinance:

- (1) Removal ~~or replacement~~ of transmission equipment on an existing **WSS wireless support structure** or base station ~~that does not result in a substantial modification;~~
  - (2) Ordinary maintenance or modification of existing **wireless WSS** facilities and support structures, provided any modification does not constitute a "substantial modification" as defined by this Ordinance;
  - (3) **Small W**wireless facilities placed on existing (not replacement) utility poles ~~or~~ and antenna placed on electric transmission line towers with the permission of the utility owning the pole or tower;
  - (4) Replacement of small wireless facilities with small wireless facilities that are the same size or smaller;
  - ~~(4)(5)~~ Temporary wireless communication facilities ~~(or "COWs")~~ in accordance with Section 4.5.4 J, Temporary **Wireless Telecommunications WSS** Facilities;
  - ~~(5) Satellite dish antennae, receive-only television or radio antennae for noncommercial use, and antennae legally operated by FCC-licensed amateur radio operators in accordance with Section 4.4, Accessory Structures and Uses.~~
  - (6) Government-owned communications facilities, upon the declaration of a state of emergency by federal, State or local government, and a written determination of public necessity by the City's designee; except that such facilities must comply with all federal and State requirements and no communications facility shall be exempt from the provisions of this section beyond the duration of the state of emergency;
  - (7) Over the air reception devices (OTARD), as defined by the FCC, including satellite dishes that are 40 inches or less in diameter, in accordance with Section 4.4.5., Standards for Accessory Structures, and
  - (8) Installation, placement, maintenance or replacement of micro wireless facilities that are suspended on cables strung between existing utility poles or city utility poles.
- (d) **Wireless Facilities Distinguished Permitted**
- ~~(1) Minor Wireless Telecommunications Facility~~ The following ~~uses~~ are considered **minor wireless telecommunications** facilities ~~that and may shall~~ only be **established permitted** in

accordance with the standards of this section and Section

**2.5. ~~1415.~~ Site Plan Wireless Telecommunications Permit:**

~~(i) A new wireless support structure of 60 feet in height or less in any zoning district;~~

~~(ii) A concealed or stealth wireless facility of 80 feet in height or less in a residential district;~~

~~(iii) A concealed or stealth wireless facility of 150 feet in height or less in a business, special, or planned development district;~~

~~(iv) A new wireless support structure of 200 feet in height or less in a PNR, I, LI, or HI district;~~

~~(v) Collocation of equipment on an existing wireless telecommunications facility, support structure, or building in any district; or~~

~~(vi) A substantial modification of an existing wireless facility or support structure in any district.~~

**(1) A concealed wireless facility;**

**(2) A monopole wireless facility;**

**(3) A new wireless support structure;**

**(4) Collocation of equipment on an existing wireless facility, WSS, or base station in any district;**

**(5) A substantial modification of an existing wireless facility, WSS or base station in any district; and**

**(6) Small wireless facility, if it is:**

**(i) Collocated in a City street right-of-way (within any zoning district) and not extending more than 10 feet above the utility pole, City utility pole, or wireless support structure on which it is collocated; or**

**(ii) Outside of City street rights-of-way on property other than a lot for an attached or detached single-family dwelling, duplex dwelling or family care home.**

~~**(2) Major Wireless Telecommunications Facility Uses that do not meet the criteria for a minor wireless communications facility in subsection (d)(1) above are considered major wireless telecommunications facilities that may only be established in accordance with the standards of this section and Section 2.4.12, Special Use.**~~

(e) General Standards and Design Requirements

(1) Type of Support Structure Permitted

~~(i) Concealed or Stealth facilities and support structures shall be permitted in any zoning district.~~

**(i) Small Wireless Facilities Small wireless facilities shall meet the following standards:**

**a. Any small wireless facility within a City street right-of-way shall be in compliance with an approved master small wireless facility license agreement.**

**b. Small wireless facilities shall comply with the applicable provisions in Table 4.3.3.F1., Small Wireless Facilities Permitted By Zoning District Or Location, and in Table 4.3.3.F2., Small Wireless Facility Maximum Height.**

**TABLE 4.3.3.F1.: SMALL WIRELESS FACILITIES PERMITTED BY ZONING DISTRICT OR LOCATION**

<u>TYPE OF FACILITY</u>	<u>ZONING DISTRICT OR LOCATION</u>
<b><u>Concealed Small Wireless Facility [1]</u></b>	<p><b><u>Required:</u></b></p> <p><b><u>In City street rights-of-way designated as a local street;</u></b></p> <p><b><u>In City street rights-of-way in Gateway Corridor Overlay, Local Historic Overlay or Neighborhood Conservation Overlay Districts; and</u></b></p> <p><b><u>In City street rights-of-way with existing or proposed underground utilities.</u></b></p>

<p><b><u>Non-concealed Small Wireless Facility</u></b></p>	<p><b><u>Allowed:</u></b></p> <p><b><u>In City street rights-of-way where a concealed small wireless facility is not required; and</u></b></p> <p><b><u>On property outside City street right-of-way that does not contain a single-family attached or detached dwelling, duplex dwelling, or family care home.</u></b></p>
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**NOTES:**

**[1] New concealed utility poles or concealed replacement utility poles shall meet adopted design criteria, found within this Section, the *Development Guide* or within adopted policy guidance.**

<b><u>TABLE 4.3.3.F2.: SMALL WIRELESS FACILITY MAXIMUM HEIGHT</u></b>		
<b><u>ZONING DISTRICT</u></b>	<b><u>TYPE OF FACILITY</u></b>	<b><u>MAXIMUM HEIGHT (feet) [1]</u></b>
<b>INSIDE CITY STREET RIGHTS-OF-WAY</b>		
<p><b><u>Single-family residential districts with existing underground utilities</u></b></p>	<p><b><u>New utility pole; Replacement utility pole; or Wireless structure</u></b></p>	<p><b><u>40</u></b></p>

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<b><u>All other districts</u></b>	<b><u>New utility pole;</u> <b><u>Replacement utility pole; or</u></b> <b><u>City utility pole</u></b></b>	<b><u>50</u></b>
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**ON PROPERTY OUTSIDE CITY STREET RIGHTS-OF-WAY**

<b><u>Residential, TO Gateway Corridor Overlay, Local Historic Overlay &amp; Neighborhood Conservation Overlay Districts</u></b>	<b><u>New utility pole;</u> <b><u>Replacement utility pole; or</u></b> <b><u>City utility pole</u></b></b>	<b><u>25</u></b>
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<b><u>Lots with a single-family attached or detached dwelling, duplex dwelling, or family care home in all districts</u></b>	<b><u>New utility pole;</u> <b><u>Replacement utility pole; or</u></b> <b><u>City utility pole</u></b></b>	<b><u>25</u></b>
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<b><u>All other districts</u></b>	<b><u>New utility pole;</u> <b><u>Replacement utility pole; or</u></b> <b><u>City utility pole</u></b></b>	<b><u>50</u></b>
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**NOTES:**

**[1] Maximum height shall be measured from the base of the structure to the top of the highest point, including any appurtenances.**

**c. Non-concealed collocations on existing non-concealed utility poles and new non-concealed utility poles and replacement poles are allowed in City street rights-of-way other than in Gateway Corridor Overlay, Local Historic Overlay or Neighborhood Conservation Overlay Districts, and outside City**



**street rights-of-way on property other than residential property containing a single-family attached or detached dwelling, duplex dwelling, or family care home.**

**d. Collocation of small wireless facilities shall not extend more than 10 feet above on an existing utility pole, City utility pole or WSS.**

**e. When located inside City street rights-of-way of designated local streets, all new utility poles shall be placed adjacent to the common interior property line to minimize visual impact among abutting properties.**

**f. To ensure the safety of pedestrian and vehicular traffic and viewsheds, and to avoid the aesthetic impact of "cluttering" of wireless facilities, no small wireless facility in the City street right-of-way shall be located, to the maximum extent practicable, within one hundred sixty-five (165) feet of any other small wireless facility in the right-of-way.**

**g. Except for roof-mounted antenna, all wireless support structures, including those anchored or attached to existing buildings or other structures, shall be set back from all lot lines a distance greater than or equal to the minimum distance necessary to ensure the support structure will remain on its site following collapse (its fall zone) as certified by a licensed professional engineer. In the absence of such certification, the required setback shall be equal to 80 percent of the height of the wireless support structure.**

**h. Roof mounted antennae and concealed facilities located within other structures are exempt from these requirements.**

**i. Any new small wireless facility in a Local Historic Overlay district is subject to approval of a Certificate of Appropriateness by the Historic Preservation Commission.**

**j. Any new small wireless facility on a Historic Landmark designated property is subject to approval of a Certificate of Appropriateness by the Guilford County Historic Preservation Commission.**

~~(ii) Monopole support structures shall be permitted in all zoning districts EXCEPT: TO, LB, CB, MS, MX, PD-CC, PD-P, and any Gateway Corridor and Local Historic Overlay Districts.~~

**(ii) Macro Wireless Support Structures**

**Macro WSS shall comply with the applicable provisions in Table 4.3.3.F3, Macro WSS Permitted By Zoning District or Location.**

<b><u>TABLE 4.3.3.F3. MACRO WSS PERMITTED BY ZONING DISTRICT OR LOCATION</u></b>		
<b><u>ZONING DISTRICT OR LOCATION</u></b>	<b><u>TYPE OF SUPPORT STRUCTURE</u></b>	<b><u>MAXIMUM HEIGHT (feet) [1]</u></b>
<b><u>Residential Districts</u></b> <b><u>Gateway Corridor Overlay, Local Historic Overlay, and Neighborhood Conservation Overlay Districts</u></b>	<b><u>Concealed</u></b>	<b><u>100</u></b>
<b><u>Planned Development Districts</u></b>	<b><u>Concealed</u></b>	<b><u>150</u></b>
<b><u>Business and Special Districts</u></b>	<b><u>Concealed</u></b>	<b><u>150</u></b>
<b><u>GB, RC, EC and I Districts</u></b>	<b><u>Monopole</u></b>	<b><u>150</u></b>
<b><u>City-owned property or within an electrical transmission right-of-way or easement in all districts</u></b>	<b><u>Concealed or monopole</u></b>	<b><u>&lt;200</u></b>
<b><u>LI, HI, AGR and PNR Districts</u></b>	<b><u>All Types</u></b>	<b><u>&lt;200</u></b>
<b><u>NOTES:</u></b>		

**[1] Maximum wireless support structure height shall be measured from the base of the structure to the top of the highest point, including any appurtenances.**

~~(iii) Lattice or Guyed support structures shall be permitted ONLY in the EC, LI, HI, AGR and PNR zoning districts.~~

~~(2) Collocation New wireless support structures shall be engineered and constructed to accommodate a minimum number of collocations based upon their height.~~

~~(i) Support structures 60 to 100 feet in height shall support at least 2 additional telecommunications providers.~~

~~(ii) Support structures greater than 100 feet and less than 150 feet in height shall support at least 3 additional telecommunications providers.~~

~~(iii) Support structures greater than 150 feet in height shall support at least 4 additional telecommunications providers.~~

~~(iv) An applicant proposing a new wireless support facility other than a concealed or stealth wireless facility shall demonstrate that no suitable existing wireless support structure, building or other structure within the coverage area is available for the collocation of antennae.~~

~~(v) The Planning and Development Director, upon request of the applicant, may modify the requirement that new wireless support structures accommodate the collocation of other service providers if it is determined that collocation at the site is not essential to the public interest, or that the construction of a shorter support structure with fewer antennae will promote community compatibility.~~

**(2) Search Ring**

**Prior to establishing a new wireless facility, the wireless provider shall provide a search ring and explanation why an existing WSS including utility poles cannot be**

**used for the proposed wireless facility. This provision is not applicable to small wireless facilities and concealed macro WSS.**

**~~(3) Collocation First Right of Refusal~~**

**~~(i) The owner of any new telecommunications support structure, except stealth structures, shall offer first right of refusal to the City for purposes of collocation, at least 30 days prior to entering into the first collocation agreement or lease.~~**

**~~(ii) The City shall respond in writing within 30 days of its receipt of the offer with either a letter of intent or a waiver of rights. If the City decides to locate facilities on the support structure to enhance public safety communications, the site shall be provided at no cost to the City.~~**

**~~(iii) If the City waives its right of first refusal, or fails to respond to the owner's notification with the 30-day period, or has not commenced use of the site as intended and has not made a good faith effort to do so within 180 days of communicating its intent to the owner, the collocation site shall be deemed abandoned by the City and the owner shall be under no further obligation to provide a collocation site to the City on that support structure.~~**

**(3) Structural Integrity New WSSs and collocations shall be designed pursuant to the design requirements of ACSE 7, including wind speed design requirements, and tower loading/wind design requirements of Electronic Industries Association/Telecommunications Industry Association (EIA/TIA) 222-H, Series II, including any subsequent modifications to those specifications.**

**~~(4) Collocation of Antennae on an Existing Building An antenna may be attached to a nonresidential or multi-family residential building in accordance with the following standards:~~**

~~(i) The antenna height, including any support structure, shall not extend more than 20 percent higher than the height of the building on which it is located.~~

~~(ii) The antenna and associated equipment shall comply with the applicable provisions of this section.~~

~~(iii) An antenna visible from an adjacent street shall be omni-directional, and screened or camouflaged to the extent practicable to minimize its appearance.~~

~~(iv) Equipment shall be located within the building or screened in some other fashion to prevent off-site views.~~

**(4) Colocation New WSSs shall be engineered and constructed to accommodate a minimum number of collocations based upon their height.**

**(i) WSSs 80 to 100 feet in height shall be designed and constructed to support at least 2 additional telecommunications providers.**

**(ii) WSSs greater than 100 feet to 150 feet in height shall be designed and constructed to support at least 3 additional telecommunications providers.**

**(iii) WSSs greater than 150 feet in height shall be designed and constructed to support at least 4 additional telecommunications providers.**

**(iv) The Planning and Development Director, upon request of the applicant, may grant an Administrative Adjustment to the requirement that reduces up to 2 of the minimum required number of collocations.**

**(5) Collocation First Right of Refusal**

**(i) The owner of any new WSS, except concealed structures and small wireless facilities, shall offer first right of refusal to the City for purposes of collocation, at least 30 days prior to entering into the first collocation agreement or lease.**

**(ii) The City shall respond in writing within 30 days of its receipt of the offer with either a letter of intent or a waiver of rights. If the City decides to locate facilities on the WSS to enhance public safety communications, the site shall be provided at fair market value to the City.**

**(iii) If the City waives its right of first refusal, or fails to respond to the owner's notification with the 30-day period, or has not commenced use of the site as intended and has not made a good faith effort to do so within 180 days of communicating its intent to the owner, the collocation site shall be deemed abandoned by the City and the owner shall be under no further obligation to provide a collocation site to the City on that WSS.**

**(6) Collocation on an Existing WSS Collocations on existing WSSs are allowed provided the new collocation does not exceed the definition of substantial modification. All collocations on existing concealed WSSs must maintain the concealment elements of the WSS.**

**(7) New Collocation on a Base Station New collocations on a base station may be attached to multi-family residential buildings in any district other than the RM-5 District and to any nonresidential building in all districts as a concealed wireless facility in accordance with the following standards:**

**(i) The antenna and all accessory equipment shall be concealed to minimize its appearance.**

**(ii) The antenna height, including any support structure, shall not extend more than 20 feet higher than the height of the building on which it is located.**

**(iii) The antenna and associated equipment shall comply with the applicable provisions of this section.**

**(iv) Equipment is preferred to be located within the building; but if on the roof or on the ground it shall be screened to prevent off-site views.**

**~~(f) Maximum Height In residential districts, wireless support structures, including stealth support structures, shall not exceed 200 feet in height from the base of the structure to the top of the highest point, including appurtenances. Additional height may be requested as part of a special use, provided the applicant submits technical information or other justification to document the need for the additional height and is in compliance with Section 10.2.6 B, Structure Height Restrictions.~~**

- (f) Undergrounding Requirements for New Small Wireless Facilities Applicants for use of a City street right-of-way for a new small wireless facility shall install all facilities underground, except for antennas (and antennas with radios that are manufactured together as one piece of equipment) and the poles, towers and/or conduit necessary to physically support the antennas.**
- (1) All structures and their components must maintain the following minimum separation distance when installed underground:**
- (i) 5 linear feet from water lines and meters;**
  - (ii) 5 linear feet from fire hydrants, fire department connection (FDC), fire service post indicator valve, or other fire protection equipment;**
  - (iii) 5 linear feet from storm and sanitary sewer lines;**
  - (iv) 1 linear foot from telecommunications equipment;**
  - (v) 1 linear foot from cable television equipment; and**
  - (vi) 10 linear feet from all other utility infrastructure not specifically listed above.**
- (2) Any structures that deviate from these distances, must receive individual written approval from the City, which may be granted or denied in the City's sole discretion unless such denial would have the effect of unreasonably precluding coverage to an area.**
- (3) No structure or its components are allowed to be located in a City water or sewer easement, unless otherwise approved in writing by the City in its sole discretion.**
- (4) Prior to any directional boring, trenching or digging to install any such underground components, applicants shall verify with the Engineering Services Director the intended path and depth of installation to confirm consistency with the standards above.**
- (5) To ensure proper identification of underground elements of small wireless facilities, upon request by the City, the applicant shall provide as-built drawings and a statement of compliance with all permit locations. Failure of an applicant to submit completed as-built drawings shall be interpreted as a waiver of all claims for damages or injuries arising from inaccurate locates by the City or third parties**

**as to the location of applicant's underground small wireless facility infrastructure.**

**(6) Where above-ground elements of a small wireless facility within a street right-of-way will be installed, utilization of equipment mounting base plates and equipment enclosures that are no wider than the existing pole, and therefore less likely to detract from views of scenic streetscapes, are preferred. Concealment and integrating above-ground wireless facilities by using non-reflective materials and colors that blend in with their surroundings is required. When placed above-ground, small wireless facility components shall either be completely contained and concealed within the interior of an integrated streetlight, be contained within an above ground pedestal, or when technically feasible attached within a shroud at the top of an existing street light or utility pole in a manner where their protrusion is minimized.**

(g) Setbacks

~~**(1) Except for roof-mounted antenna, all wireless support structures, including those anchored or attached to existing buildings or other structures, shall be set back from all lot lines a distance greater than or equal to the minimum distance necessary to insure the support structure will remain on its site following collapse (its fall zone) as certified by a licensed professional engineer. In the absence of such certification, the required setback shall be equal to 80 percent of the height of the wireless support structure.**~~

~~**(2) Roof-mounted antennae and stealth facilities located within other structures are exempt from these requirements.**~~

**(1) Towers, including those anchored or attached to existing buildings or other structures shall set back from all lot lines a distance greater than or equal to the minimum distance necessary to insure the support structure will remain on its site following collapse (its fall zone) as certified by a licensed professional engineer. A tower may be constructed using breakpoint technology, in which case the minimum setback distance shall be equal to 110% of the distance from the top of the structure to the breakpoint**



**level of the structure, or the minimum setback standard for that district, 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 80 feet, the minimum setback distance would be 22 feet (110% of 20 feet, the distance from the top of the monopole to the breakpoint) in addition to the minimum setback standards for that zoning district.**

**(2) Antennae facilities located inside buildings are exempt from these requirements.**

~~**(h) Lighting and Marking Wireless telecommunications facilities or support structures shall not be lighted or marked unless required by the FCC or FAA. Strobe lights shall not be used for nighttime lighting unless specifically required by the FCC or FAA.**~~

**(h) Lighting and Marking WSSs shall not be illuminated or marked unless required by the FCC or FAA.**

**(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 with strobe during daytime and red flashing lights at night unless prohibited by the FAA.**

**(2) Equipment compound lighting shall be filtered or oriented so as not to project directly onto surrounding property or rights-of-way, consistent with FAA requirements.**

~~**(i) Color Other than concealed or stealth facilities, wireless support structures shall either maintain a galvanized steel finish or be painted a neutral, matte color designed to blend with its surroundings, unless otherwise required by the FCC or FAA.**~~

**(i) Color**

**(1) The color of new towers shall be either a galvanized steel finish or be painted a neutral, matte color designed to blend with its surroundings, unless otherwise required by the FCC or FAA.**

**(2) Color and design of concealed WSSs shall maximize the use of building materials, colors and textures designed to blend with the existing surroundings**

**(3) Color of new utility poles and external equipment shall match what is in the same right-of-way for a distance of 300 feet.**

**FIGURE 4.3.3.F1 ~~STEALTH WIRELESS TELECOMMUNICATIONS FACILITIES~~ PAINTED WIRELESS FACILITIES**



**~~(j) Signage Signs located at a wireless telecommunications facility shall be limited to ownership and contact information, FCC antenna registration number (if required) and any other information required by government regulation. Commercial advertising is prohibited. Notwithstanding, nothing in this section shall prohibit signage that is legally approved for other uses on the same lot or site on which the wireless facility is located.~~**

**(j) Signage Only the following type of signage is permitted on wireless facilities:**

**(1) Signs shall be provided in an easily visible location to include: FCC ASR registration number (if applicable); site owner's name, site identification number and/or name, phone number of contact to reach in event of an emergency or equipment malfunction, any additional security and safety signs.**

**(2) If more than 220 voltage is necessary for the operation of the facility and is present in a ground grid or in the tower, warning signs shall be located every 20 feet attached to the fence or wall and shall display in large, bold, high contrast letters, minimum height of each letter 4 inches, the following: "HIGH VOLTAGE - DANGER."**

**~~(k) Fencing~~**

**~~(1) Ground mounted accessory equipment and wireless support structures shall be secured and enclosed with a fence not less than 8 feet in height, placed between the equipment compound and any required landscaping.~~**

**~~(2) Fencing shall not be required for concealed or stealth wireless facilities, or for support structures.~~**

**(k) Fencing**

**(1) WSS ground mounted equipment not located in City street rights-of-way shall be secured and enclosed with a fence not less than 8 feet in height, placed between the equipment compound and any required landscaping.**

**(2) Fencing for concealed WSSs shall match the concealment of the WSS and be placed between the compound and any required landscaping.**

**~~(l) Landscaping Landscaping shall be required around the perimeter of the site or equipment compound when ground equipment within the compound is visible from a public street. Landscaping shall be designed to screen such equipment from view in accordance with the ground-based mechanical equipment requirements in Section 5.6, Screening.~~**

**(l) Grading Grading shall be minimized and limited only to the area necessary for the base of the new tower and equipment compound.**

**~~(m) Accessory Equipment Accessory Equipment, including any buildings, cabinets or shelters, shall be used only to house equipment and other supplies in direct support of the operation of the wireless facility or support structure. Any equipment not used in direct support of such operation shall not be stored on the site.~~**

**(m) Landscaping Landscaping shall be required around the perimeter of the site or equipment compound when ground equipment within the compound is visible from any street and**

**from any adjacent residential use. Landscaping shall be designed to screen such equipment from view in accordance with the ground-based mechanical equipment requirements in Section 5.6, Screening. All required landscaping must be contained on the lot or within the lease area as applicable.**

**~~(n) Additional Standards for Concealed or Stealth Wireless Facilities A concealed, or stealth, wireless telecommunications facility and support structure shall be designed and located to complement the surrounding landscape in accordance with the following standards:~~**

**~~(1) A stealth wireless facility and support structure shall take a form other than that of a typical wireless facility and support structure, including but not limited to, bell towers, clock towers, water towers, silos, chimneys, steeples, evergreen trees, or flag poles. (See Figure 4.3.3.F, Stealth Wireless Telecommunications Facilities).~~**

**~~FIGURE 4.3.3.F STEALTH WIRELESS TELECOMMUNICATIONS FACILITIES~~**

**~~(2) The equipment compound shall be designed, located, and camouflaged in a manner compatible with the support structure portion of the facility. Ground equipment shall be located within a structure or building, to the maximum extent practicable. Antennae, cables, and related appurtenances shall be enclosed, camouflaged, screened, or obscured so that they are not readily apparent to a casual off-site observer.~~**

**~~(3) Stealth wireless facilities are encouraged (but not required) to be designed to accommodate the collocation of other antennae whenever technically and economically feasible.~~**

**(n) Radio Frequency Emission Compliance A signed statement from a North Carolina licensed profession engineer shall be provided stating the radio frequency emissions comply with applicable FCC standards for such emissions ("OET-65") as of the date of application. Any collocations, modification or upgrade applications shall contain a statement from a North Carolina profession engineer confirming that following installation the composite facility will remain in compliance with said FCC standards as stated in OET-65.**

~~(e) Existing Wireless Facilities and Wireless Support Structures~~

~~(1) General~~

~~(i) An existing wireless facility or support structure that was legally permitted on or before the effective date of this Ordinance shall be considered a lawful permitted use if it complies with all applicable provisions of this section, or a nonconforming use if it does not comply with all applicable provisions of this section.~~

~~(ii) An existing and otherwise lawful facility or support structure that was not permitted by special use that, as a result of this Ordinance, would now require special use approval shall not be considered nonconforming.~~

~~(2) Activities at Nonconforming Wireless Facilities or Support Structures~~

~~(i) Ordinary maintenance may be performed on a nonconforming wireless facility or support structure.~~

~~(ii) Collocation of wireless facilities on an existing nonconforming wireless support structure shall not be construed as an expansion, enlargement, or increase of a nonconforming structure and/or use and shall be reviewed and approved in accordance with the site plan process as stated in Section 2.5.14, provided that the collocation is NOT considered a substantial modification of the facility or support structure.~~

~~(iii) Collocation of wireless facilities on an existing nonconforming wireless support structure shall not be construed as an expansion, enlargement, or increase of a nonconformity and shall be reviewed and approved in accordance with Section 2.5.14, Site Plan.~~

(o) Accessory Equipment Accessory equipment, including any buildings, cabinets or shelters, shall be used only to house equipment and other supplies in direct support of the operation of the wireless facility. Any equipment not used in direct support of such operation shall not be stored on the site.

(p) Additional Standards for Concealed WSSs A concealed WSS shall be designed and located to complement the surrounding landscape in accordance with the following standards:

- (1) A concealed small wireless facility in City street right-of-way can include street lights, banners and other decorative street design features in accordance with City regulations and policies (See Figure 4.3.3.F2, Concealed Small Wireless Facilities).**
- (2) A concealed wireless facility not on a tower can include faux shutters, parapets, wall extensions, chimneys and steeples. (See Figure 4.3.3.F3, Concealed Base Station Facilities).**
- (3) A concealed wireless facility may include, but is not limited to; bell towers, clock towers, water towers, silos, chimneys, steeples, evergreen trees, or flag poles. (See Figure 4.3.3.F4, Concealed Wireless Support Structures).**

**FIGURE 4.3.3.F2 CONCEALED SMALL WIRELESS FACILITIES**



**FIGURE 4.3.3.F3 CONCEALED BASE STATIONS**

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**FIGURE 4.3.3.F4 CONCEALED WIRELESS SUPPORT STRUCTURES**



- (4) For concealed small wireless facilities, all accessory equipment shall be internal to the utility pole.**
- (5) The equipment compound for non-small wireless facilities shall be designed, located, and concealed in a manner compatible with the wireless support structure portion of the facility. Ground equipment shall be located within a structure or building, to the maximum extent practicable. Antennae, cables, and related appurtenances shall be enclosed, concealed, screened, or obscured so that they are not readily apparent to a casual off-site observer.**
- (q) Photo rendering A photo rendering shall be provided of the collocation, new utility pole, replacement utility pole, City utility pole, base station, or tower structure that illustrates to scale the proposed facility including, but not limited to architectural features and use of colors. Photo renderings should include views from the street(s) and adjacent properties.**
- (r) Eligible Facility An existing wireless facility that was legally permitted on or before the effective date of this Ordinance shall be considered a lawful and conforming use if it complies with all applicable provisions of this section, or a nonconforming use or structure in accordance with Chapter 8, Nonconformities, if it does not comply with all applicable provisions of this section.**
- (s) Activities at Nonconforming Base Stations or Wireless Support Structures**
- (1) Ordinary maintenance may be performed on a nonconforming base station or wireless support structure.**
- (2) Collocation on an existing nonconforming base station or wireless support structure shall not be construed as an expansion, enlargement, or increase of a nonconforming structure or nonconforming use and shall be reviewed and approved in accordance with Section 2.5.15., Wireless Telecommunications Permit, provided that the collocation is not considered a substantial modification of the facility or support structure.**
- (3) Collocation on an existing nonconforming base station or wireless support structure shall not be construed as an**



**expansion, enlargement, or increase of a nonconformity and shall be reviewed and approved in accordance with Section 2.5.15., Wireless Telecommunications Permit.**

**SECTION 9.**

That Section 4.5.4.J., *Temporary Wireless Telecommunications Facility*, is hereby amended:

- J. Temporary ~~Wireless Telecommunications~~ **WSS** Facility~~ies~~ A temporary wireless telecommunications facility, ~~also known as a COW,~~ is permitted on a lot in a residential, business, special, or planned development district, subject to the following standards:
  - 1. through 5. (*unchanged*)

**SECTION 10.**

That Section 10.3., *Abbreviations*, is hereby amended to add the following terms in the appropriate alphabetic order:

TABLE 10.3: ABBREVIATIONS	
ABBREVIATION	ASSOCIATED TERM
<b><u>OTARD</u></b>	<b><u>Over the Air Reception Devices</u></b>
<b><u>WSS</u></b>	<b><u>Wireless Support Structure</u></b>
<b><u>WTP</u></b>	<b><u>Wireless Telecommunications Permit</u></b>

**SECTION 11.**

That Section 10.4., *Definitions*, specifically terms within "*Wireless Telecommunications Facility*" is hereby amended to add or modify the following definitions in the appropriate alphabetic order:

<p><b>WIRELESS TELECOMMUNICATIONS FACILITY</b></p>	<p>The following definitions relate to wireless telecommunications facilities:</p>
<p>(a) Abandonment</p>	<p><i>(unchanged)</i></p>
<p>(b) Accessory equipment</p>	<p><i>(unchanged)</i></p>
<p>(c) Antenna</p>	<p>Communications equipment that <b>transmits, receives,</b> or transmits and receives electromagnetic radio signals used in the provision of all types of wireless <b>telecommunications</b> services.</p>
<p>(d) <b><u>Applicable codes</u></b></p>	<p><b><u>The North Carolina State Building Code and any other uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization together with State or local amendments to those codes enacted solely to address imminent threats of destruction of property or injury to persons.</u></b></p>
<p><del>(d)</del> <del>(e)</del> Base station</p>	<p><i>(unchanged)</i></p>
<p><b><u>(f) Breakpoint technology</u></b></p>	<p><b><u>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.</u></b></p>
<p><del>(e)</del> <del>(g)</del> Collocation</p>	<p>The placement, <del>or</del> installation, <b><u>maintenance, modification, operation, or replacement</u></b> of wireless facilities on, <b><u>under, within, or on the</u></b></p>

	<p><b><u>surface of the earth</u></b> adjacent to existing <b><u>wireless support</u></b> structures, including <b><u>utility poles, City utility poles, electrical transmission towers,</u></b> water towers, buildings and other structures <b><u>including wireless support structures that are</u></b> capable of <b><u>structurally</u></b> supporting the attachment of <b><u>such wireless</u></b> facilities in compliance with applicable codes <b><u>and ordinances. The term 'collocation' does not include the installation of new utility poles, City utility poles, or wireless support structures.</u></b></p>
<p><b><u>(h) Communications facility</u></b></p>	<p><b><u>The set of equipment and network components, including wires and cables and associated facilities used by a communications service provider to provide communications service.</u></b></p>
<p><b><u>(i) Communications service</u></b></p>	<p><b><u>Cable service as defined in 47 U.S.C. § 522(6), information service as defined in 47 U.S.C. § 153(24), telecommunications service as defined in 47 U.S.C. § 153(53), or wireless services.</u></b></p>
<p><b><u>(j) Communications service provider</u></b></p>	<p><b><u>A cable operator as defined in 47 U.S.C. § 522(5); a provider of information service, as defined in 47 U.S.C. § 153(24); a telecommunications carrier, as defined in 47 U.S.C. § 153(51); or a wireless provider.</u></b></p>
<p><b><u>(f)(k) Concealed wireless facility (<del>stealth wireless facility</del>)</u></b></p>	<p>A <b><u>type of wireless facility support structure</u></b> that is <b><u>not readily identifiable as a wireless support structure and that is</u></b> integrated as an architectural feature of an existing structure or <b><u>any new wireless support structure designed to camouflage or conceal the presence of antennae or towers so the purpose of the</u></b></p>

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	<del>facility or support structure</del> <b><u>existing buildings in the area so that it</u></b> is not readily apparent to a casual observer.
<del>(g)</del> <b>(l)</b> Electrical transmission tower	An electrical transmission structure used to support high voltage overhead power lines. The term shall not include any utility pole.
<b><u>(m) Eligible facilities request</u></b>	<b><u>A request for modification of an existing wireless facility that does not include a substantial modification.</u></b>
<del>(h)</del> <b>(n)</b> Equipment compound	<i>(unchanged)</i>
<del>(i)</del> <b>(o)</b> Existing <b><u>wireless support</u></b> structure	<i>(unchanged)</i>
<del>(j)</del> <b>(p)</b> Fall zone	<i>(unchanged)</i>
<b><u>(q) Master small wireless facility license agreement</u></b>	<b><u>A written agreement between the City and an applicant which sets forth specific negotiated terms and conditions applicable to applicant's use of City street rights-of-way, City-owned land, City-owned structures or City-owned infrastructure.</u></b>
<b><u>(r) Micro wireless facility</u></b>	<b><u>A small wireless facility that is no larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height and that has an exterior antenna, if any, no longer than 11 inches.</u></b>
<del>(k)</del> <b>(s)</b> Monopole	A single, freestanding pole type structure supporting one or more <del>antennae</del> <b><u>wireless facilities</u></b> . The term shall not include any utility pole.
<del>(H)</del> <b>(t)</b> Ordinary maintenance	<i>(unchanged)</i>

<p><del>(m)</del><b>(u)</b> Replacement pole</p>	<p><i>(unchanged)</i></p>
<p><b><u>(v) Search ring</u></b></p>	<p><b><u>The area within which a wireless support structure must be located in order to meet service objectives of the wireless service provider.</u></b></p>
<p><b><u>(w) Small wireless facility</u></b></p>	<p><b><u>A wireless facility that meets both of the following qualifications:</u></b></p> <p><b><u>(i) Each antenna is located inside an enclosure of no more than 6 cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements, if enclosed, could fit within an enclosure of no more than 6 cubic feet.</u></b></p> <p><b><u>(ii) All other wireless equipment associated with the facility has a cumulative volume of no more than 28 cubic feet. For purposes of this sub-subdivision, the following types of ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, ground-based enclosures, grounding equipment, power transfer switches, cut-off switches, vertical cable runs for the connection of power and other services, or other support structures.</u></b></p>
<p><del>(n)</del><b>(x)</b> Substantial modification</p>	<p>The mounting of a proposed wireless facility <del>or facilities</del> on a wireless support structure which <b><u>substantially changes the physical dimensions of the support structure. A mounting is presumed to be a substantial modification if it meets any one or more of the following criteria:</u></b></p>

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	<p>(i) Increases the existing vertical height of the wireless support structure by the greater of;</p> <p>(a) more than 10 percent, or</p> <p>(b) the height of 1 additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, or</p> <p>(ii) Involves <b><u>Except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable,</u></b> adding an appurtenance to the body of a wireless support structure that protrudes horizontally from the edge of the support structure <b><u>the greater of</u></b> more than 20 feet, or more than the width of the support structure at the level of the appurtenance, <del><b><u>whichever is greater (except where necessary to shelter the antenna from inclement weather or to connect the antenna to the support structure via cable),</u></b></del> or</p> <p>(iii) Increases the square footage of the existing equipment compound by more than 2,500 square feet, <del>or</del></p> <p><del><b><u>(iv) Adds antennae that would increase the girth (width) of the support structure by more than 20 feet.</u></b></del></p>
<p><del>(o)</del><b><u>(y)</u></b> Temporary <b><u>WSS</u></b> wireless <b><u>communications</u></b> facilities</p>	<p>A portable, self-contained wireless facility that can be moved to a location and set up to provide wireless services on a temporary or emergency basis. <del><b><u>Also known as a "COW" or "cell on wheels".</u></b></del> A <b><u>COW temporary WSS facility</u></b> is normally vehicle mounted and contains a telescoping boom as the antenna support structure.</p>
<p><del>(p)</del><b><u>(z)</u></b> Tower</p>	<p>A general term used to describe wireless support structures other than <del>for</del> <b><u>base stations and</u></b> concealed wireless facilities. Includes lattice-type</p>

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	<p>structures (guyed or freestanding) and monopoles that support one or more antenna.</p>
<p><b>(g)(aa)</b> Utility pole</p>	<p>A structure, <del>usually a wooden or metal pole, owned and/or operated by a public utility, municipality, electric membership corporation or rural electric cooperative</del> that is <b>specifically designed</b> for and used to carry lines, cables, <del>or</del> wires, <del>primarily for local distribution, and/or to provide lighting, lighting facilities, or small wireless facilities for telephone, cable television, electricity, lighting, or wireless services.</del></p>
<p><b>(+)(bb)</b> Water tower or tank</p>	<p><i>(unchanged)</i></p>
<p><b>(s)(cc)</b> Wireless <b>telecommunications</b> facility</p>	<p><del>The set of equipment and network components, exclusive of the wireless support structure, necessary to provide wireless telecommunications services, including but not limited to; antennae, accessory equipment, transmitters, receivers, base stations, power supplies, and cabling.</del></p> <p><b><u>Equipment at a fixed location that enables wireless communications between user equipment and a communications network, including (i) equipment associated with wireless communications and (ii) radio transceivers, antennas, wires, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. The term includes small wireless facilities. The term shall not include any of the following:</u></b></p>

	<p><b><u>(i) The structure or improvements on, under, within, or adjacent to which the equipment is collocated.</u></b></p> <p><b><u>(ii) Wireline backhaul facilities.</u></b></p> <p><b><u>(iii) Coaxial or fiber-optic cable that is between wireless structures or utility poles or city utility poles or that is otherwise not immediately adjacent to or directly associated with a particular antenna.</u></b></p>
<p><b><u>(dd) Wireless infrastructure provider</u></b></p>	<p><b><u>Any person with a certificate to provide telecommunication services in the State who builds or installs wireless communication transmission equipment, wireless facilities, or wireless supports structures for small wireless facilities but that does not provide wireless services</u></b></p>
<p><b><u>(ee) Wireless provider</u></b></p>	<p><b><u>A wireless infrastructure provider or a wireless services provider.</u></b></p>
<p><b><u>(ff) Wireless services</u></b></p>	<p><b><u>Any services, using licensed or unlicensed wireless spectrum, including the use of Wi-Fi, whether at a fixed location or mobile, provide to the public using wireless facilities.</u></b></p>
<p><b><u>(gg) Wireless services provider</u></b></p>	<p><b><u>A person who provides wireless services.</u></b></p>
<p><b><u>(t)(hh)</u> Wireless support structure</b></p>	<p><b><u><del>A freestanding structure such as a monopole or lattice tower designed to support wireless facilities, or a building or other structure proposed for and capable of supporting such facilities.</del></u></b></p>



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	<p><b><u>A tower or base station that supports any type of wireless facility; a utility pole or a City utility pole is not a wireless support structure.</u></b></p>
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**SECTION 12.**

Should any section or provision of this ordinance be declared invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

**SECTION 13.**

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**SECTION 14.**

This ordinance shall become effective upon adoption.

Adopted by the City Council  
City of High Point, North Carolina  
The \_\_\_\_ day of \_\_\_\_\_, 2020  
Lisa B. Vierling, City Clerk