



CITY OF BELMONT

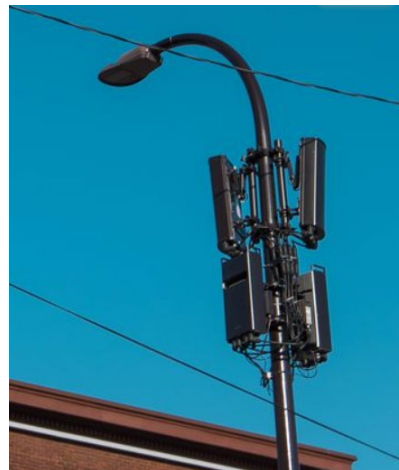
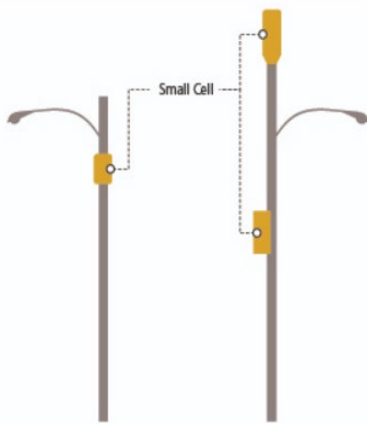
PLANNING & ZONING

Planning and Zoning Board Meeting

Application number: TA-2019.06 Small wireless facilities

Request: Staff requests the planning and zoning board review and make a recommendation to city council to amend chapters 2 and 6 of the Belmont Land Development Code (LDC). The proposed text amendment adds definitions and standards for small wireless facilities on private property and in city rights-of-way as allowed by state law.

Background: Over the past few years, state lawmakers have enacted regulations to facilitate installation of small wireless facilities throughout the state. These regulations minimize the city's ability to permit facilities in NCDOT rights-of-way and streamline permitting in other areas of the city. While the state limits the authority to regulate certain components of wireless facilities, jurisdictions are given some ability to enact design criteria. In order to provide quality services while protecting community character to the extent authorized, staff proposes adding the proposed definitions to Chapter 2 and design specific special requirements to Chapter 6 of the Land Development Code .



Small wireless facilities are defined as:

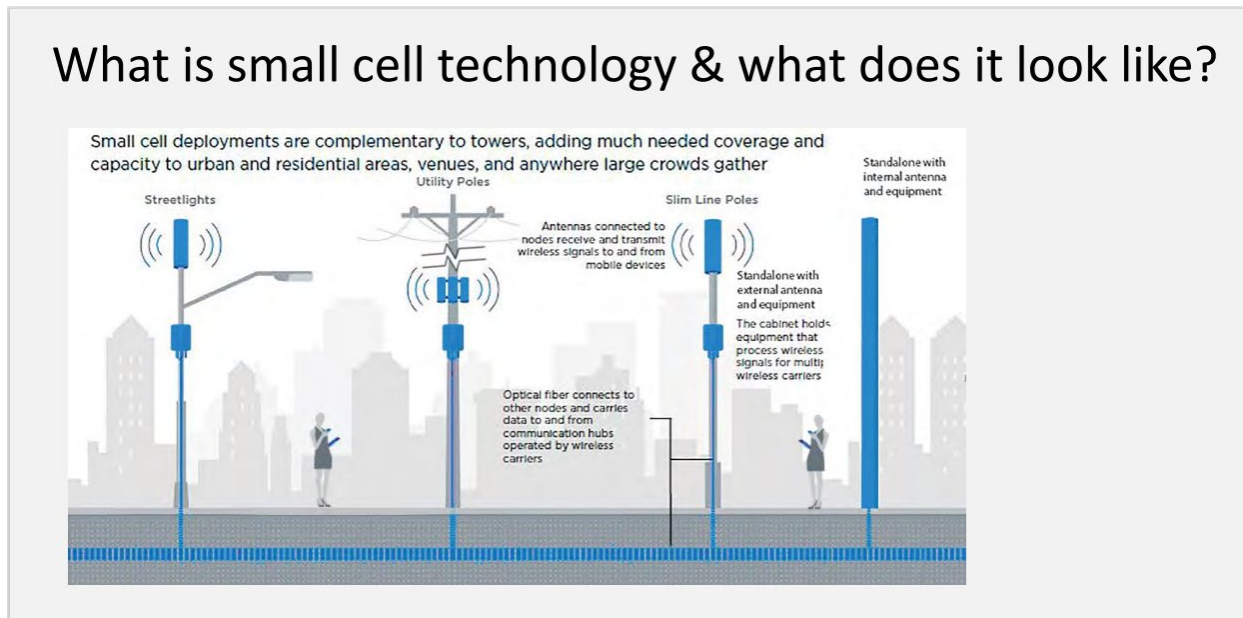
Small wireless facility – A wireless facility that meets both of the following qualifications:

- Each antenna is located inside an enclosure of no more than six 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 six cubic feet.
- 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.

Ability to regulate micro facilities is even more limited. They are allowed with no permitting requirements. Micro facilities are defined as:

Micro wireless facility – 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.

These facilities can be attached to existing utility poles or freestanding on a dedicated pole.



Analysis: In order to formulate text to meet Belmont’s needs, staff compiled and studied a comparison of requirements from other jurisdictions, conferred with peers and city staff, and conducted additional research. After studying a wide range of examples, from minimal to extensive, staff drafted the proposed requirements to fit the specific needs of the Belmont community.

Staff found that current regulations group essential infrastructure, including telecommunication facilities, under one broad definition – Essential Services. Essential services are allowed in every zoning district with specific requirements outlined in Chapter 6, *Special Regulations*. With this amendment, the definition of small wireless facility and micro wireless facility will be added to Chapter 2, *Definitions*, as outlined above, and design requirements will be added to Chapter 6 as outlined in Attachment A.

This draft was created within the limitations of state law which specifically:

- Prohibits city permitting of facilities in NCDOT rights-of-way
- Prohibits city permitting of micro wireless facilities
- Sets limits on amount of fees charged
- Authorizes pole heights up to 40-feet in single-family residential zones, 50-feet in height in other locations
- Allows certain design criteria including stealth, concealment, and landscaping/screening around ground equipment, all of which are proposed in the draft text shown in Attachment A.

Consistency Findings: The proposed text amendment is reasonable and in the public interest as well as consistent with goals #4 and 8 of the Comprehensive Land Plan that address Community Character and Intergovernmental Relations.

- The proposed amendment is **reasonable**, and in the **best interest** of the public, because it aligns city land use regulations in compliance with state law.
- The proposed amendment **protects community appearance to the extent authorized by state law**. By implementing stealth, concealment, and screening requirements, the city is facilitating small wireless facilities while regulating where possible to fit the character of Belmont.
- The proposed amendment ensures good **intergovernmental relations** by meeting the intent of state lawmakers.

Recommendation: Staff is of the opinion that the required findings can be made to support this request and recommends the planning and zoning board transmit its recommendation to approve to the city council.

Attachment A – Draft amendments to Chapters 2 and 6 of the Land Development Code
Attachment B – PB Consistency Findings

Amendment to Chapter 2, Definitions:

Essential Services: Publicly or privately owned facilities or systems for the distribution of gas, electricity, steam or water, the collection and disposal of sewage or refuse; the transmission of communications; or similar functions necessary for the provision of public services. Radio transmission facilities for use by ham radio operators or two-way radio facilities for business or governmental communications shall be deemed accessory uses and not essential services, provided no transmitter or antenna tower exceeds 180 feet in height. Essential Services are divided into three classes:

- Class 1** Transmission lines (above and below ground) including electrical, natural gas, and water/wastewater distribution lines; pumping stations, lift stations, **small wireless facilities**, and telephone switching facilities (up to 200 square feet).
- Class 2** Elevated water storage tanks; package treatment plants; telephone switching facilities (over 200 square feet), substations, or other similar facilities used in connection with telephone, electric, steam, and water facilities; raw water treatment facilities.
- Class 3** Generation, production, or treatment facilities such as power plants, sewage treatment plants, and landfills.

Small wireless facility – A wireless facility that meets both of the following qualifications: a. Each antenna is located inside an enclosure of no more than six 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 six cubic feet. b. 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.

Micro wireless facility – 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.

Amendment to Chapter 6, *Special Regulations*:

6.2.9 *ESSENTIAL SERVICES, CLASS 1 & 2 (All Districts) (Free-Standing Wireless Communications Towers exceeding 35 ft in Height, and Electric Substations Require Special Use Permit)*

- a) Wireless communications towers in all districts (except HC and BC-D districts) may not exceed the maximum permitted height for a given district except as a component of an existing or proposed structure not intended for human occupancy (i.e. Church bell towers and steeples) or attached to existing or proposed public infrastructure such as street lights, water towers and electrical transmission towers. All such towers shall be designed using stealth design elements. Wireless communications facilities attached to existing or proposed structures such as water towers, transmission towers, church steeples, streetlights, bell towers, or similar structures do not require a special use permit.
- b) The maximum height of all wireless communications towers in the HC district and any BC-D district shall be 180 feet; provided, however, that the maximum height of a tower may be greater than 180 feet, but less than 200 feet when such tower is designed and constructed to accommodate the present or potential co-location of an additional wireless communications service provider or public safety communication use.
- c) Free standing wireless communications towers in HC and BC-D districts shall be setback a distance equal to the total height measured from grade elevation from all adjoining properties of differing designation.
- d) No wireless communications tower shall be sited within 1 mile of another wireless communications tower except as a component of existing public utility infrastructure.
- e) All ancillary structures shall be screened with an opaque screen of landscaping, wood fence, or wall, or any combination thereof.
- f) All wireless communications towers in the HC and BC-D districts shall be constructed using a monopole design.
- g) All Essential Service facilities (except Small Wireless Facilities) shall be located outside of all front and side yards and shall provide Type A Opaque Screening around all ground facilities.
- h) Micro wireless facilities shall be allowed and permitted as stated in the most recent applicable North Carolina General Statutes.
- i) Small wireless facilities in all zoning districts and city rights-of-way shall adhere to the following requirements:
 - i. Small wireless facilities shall be collocated on existing infrastructure unless the applicant submits clear and convincing evidence that a new pole is necessary to close a significant gap in the applicant's service coverage which cannot be accomplished through collocation.
 - ii. Each modified or replacement utility pole or city utility pole shall not exceed 40 feet above ground level on property zoned as single-family residential, or in the right of way adjacent to such property, or 50 feet above ground level on all other property.
 - iii. Each new small wireless facility shall not extend more than 10 feet above the associated utility pole, city utility pole, or wireless support structure on which it is collocated.
 - iv. All small wireless facilities shall be stealth facilities. Antenna and accessory equipment must be shrouded or otherwise concealed.
 - v. Small wireless facilities, associated poles, and equipment shall be blended with the natural surroundings to the extent possible. Colors and materials shall be used that are compatible with the surrounding area, except when otherwise required by applicable federal or state regulations. Small wireless 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.
 - vi. Ground equipment shall be screened, to the extent possible, with evergreen plantings or other acceptable alternatives approved by the Planning Director.
 - vii. Small wireless facilities shall be removed by the service provider within 180 days of abandonment.



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PLANNING & ZONING

Statement of consistency

In considering the Land Development Code text amendment TA 2019.06 Small Wireless Facilities — Amendments of chapters 2 and 6 - the Planning and Zoning Board finds:

- The proposed text amendment is reasonable, and in the best interest of the public, because it aligns city land use regulations in compliance with state law as required; and
- The proposed text amendment is consistent with comprehensive land use plan goals #4 - Community Character and #8 - Intergovernmental Relations—because these modifications are mandated by the state and work within state law requirements to protect community character to the extent possible.

These findings are supported by a - vote by the Belmont planning and zoning board during its December 9, 2021 meeting.

Matt Hart, Chairman

Date