

# BLADEN COUNTY

## Wireless Communication Facility Ordinance

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Adopted  
August 16, 1999

**ORDINANCE FOR BLADEN COUNTY  
WIRELESS COMMUNICATION FACILITY DEVELOPMENT STANDARDS**

**This Ordinance is enacted pursuant to the general police powers granted to Bladen County by North Carolina General Statutes (NCGS) Chapter 153A-121, the authority granted by Section 704 of the Federal Telecommunication Act of 1996 (FTA) and Section 47 of the US Code.**

Wireless Communication Facility Development Standards. The following definitions and development standards for the zoning jurisdiction of Bladen County shall; 1) apply to the installation, construction, attachment, removal, and alteration of facilities to accommodate wireless communication facilities; 2) provide the criteria for evaluating such proposed activities; 3) provide a procedure for the suitability certification and accomplishing related purposes.

I. Purposes

- A. The County recognizes that Bladen County desires to encourage the orderly development of wireless communication technologies for the benefit of the County and its citizens. The County also recognizes the character of the communities of the County.

As a matter of public policy the County aims to encourage the delivery of new wireless technologies throughout the County while controlling the proliferation of communication towers. Such development activities will promote and protect the health, safety, prosperity and general welfare of persons living in Bladen County.

Specifically, the Wireless Communication Facility Development Standards are designed to achieve the following:

1. Provide a range of locations for Wireless Communication Facilities throughout the County; and
2. Encourage the location of Wireless Communication Facilities onto existing structures to reduce the number of new communication towers needed within Bladen County; and

3. Encourage collocation and site sharing of new and existing Wireless Communication Facilities; and
4. Control the type of tower facility constructed when towers are permitted; and
5. Establish adequate development and design criteria to enhance the ability of providers of telecommunications services to provide service to the community quickly, effectively, and efficiently; and
6. Protect residential, historic preservation areas, and scenic corridors from the uncontrolled development of Wireless Communications Facilities by requiring reasonable siting conditions; and
7. Promote the use of suitable lands for the location of wireless antennae, towers, and/or Wireless Communication Facilities; and
8. Insure the harmonious, orderly and efficient growth and development of Wireless Communication Facilities within the County; and
9. Enhance the economy of the County through the continued use of the County's public resources; and
10. Provide development standards for the development of Wireless Communication Facilities which are consistent with the requirements of the Federal Telecommunications Act of 1996 and in the best interest of the future of Bladen County; and
11. Provide clear performance standards addressing the siting of Wireless Communication Facilities; and
12. Streamline and expedite the permitting procedures to effect compliance with the Federal Telecommunications Act of 1996.

## II. Certain Uses Not Covered By This Ordinance

Nothing in this ordinance shall reduce any of the permitted uses within Bladen County. Nothing in this ordinance shall affect the right of a property

owner to use or develop their property. Nothing in the ordinance shall affect the right of a property owner to continue any legal non-conforming use.

### III. Interpretation and Definitions

- A. Construction of Other Ordinances - To the extent these development standards conflict with other Ordinances for Bladen County, these development standards shall control.
- B. Rules For Words And Phrases - For the purposes of Section, words used in the present tense include the future tense; words in the singular number include the plural number, and words in the plural number include the singular number; the word “shall” is mandatory; the word “may” is permissive; the word “used” includes “designed” and “intended” or arranged to be used or occupied; and the word “person” includes a firm, association, organization, partnership, trust, foundation, company or corporation as well as an individual.
- C. Definitions - For the purpose of this Section certain words, phrases and terms used herein shall be interpreted as stated in this Subsection III. The Planning Director or designee shall define any word, phrase or term not defined herein. The interpretation shall be based upon its common and ordinary usage in the region.

**Antenna Array.** An Antenna Array is one or more rods, panels, discs or similar devices used for the transmission or reception of radio frequency signals, which may include omni-directional antenna (rod), directional antenna (panel) and parabolic antenna (disc). The Antenna Array does not include the Support Structure.

**Attached Wireless Communication Facility.** An Attached Wireless Communication Facility is an Antenna Array that is attached to an existing building or structure (Attachment Structure), which structures shall include but not be limited to utility poles, signs, water towers, rooftops, towers with any accompanying pole or device (Attachment Device) which attaches the Antenna Array to the existing building or structure and associated connection cables, and an Equipment Facility which may be located either inside or outside of the Attachment Structure.

**Collocation/Site Sharing.** Collocation/Site Sharing shall mean use of a common Wireless Communication Facility or common site by more than one wireless communication license holder or by one wireless license holder for more than one type of communications technology and/or placement of an antenna array on a structure owned or operated by a utility or other public entity.

**Equipment Facility.** An Equipment Facility is any structure used to contain ancillary equipment for a Wireless Communication Facility which includes cabinets, shelters, a build out of an existing structure, pedestals, and other similar structures.

**Federal Aviation Administration.** FAA

**Federal Communications Commission.** FCC

**Federal Telecommunications Act of 1996.** FTA.

**Height.** When referring to a Wireless Communication Facility, height shall mean the vertical distance measured from the base of the tower to the highest point on the Wireless Communication Facility, including the antenna array and other attachments.

**Setback.** Setback shall mean the required distance from the property line of the parcel on which the Wireless Communication Facility is located to the base of the Support Structure and equipment shelter or cabinet where applicable, or, in the case of guy-wire supports, the guy anchors.

**Support Structure.** A Support Structure is a structure designed and constructed specifically to support an Antenna Array, and may include a monopole, self supporting (lattice) tower, guy-wire-support tower and other similar structures. Any device (Attachment Device) which is used to attach an Attached Wireless Communication Facility to an existing building or structure (Attachment Structure) shall be excluded from the definition of and regulations applicable to Support Structures.

**Temporary Wireless Communication Facility.** Temporary Wireless Communication Facility shall mean a Wireless Communication Facility to be placed in use for ninety (90) or fewer days.

**Tower and Antenna Use Application (TAA).** A form provided to the applicant by the County for the applicant to specify the location, construction, use and compliance with the development standards of a proposed Wireless Communications Facility

**Wireless Communications.** Wireless Communications shall mean any personal wireless services as defined in the Telecommunications Act of 1996, which includes FCC licensed commercial wireless telecommunications services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist.

**Wireless Communication Facility.** A Wireless Communication Facility is any unstaffed facility for the transmission and/or reception of wireless telecommunications services, usually consisting of an Antenna Array, connection cables, an Equipment Facility, and a Support Structure to achieve the necessary elevation.

#### IV. Preferred Locations For Wireless Communication Facilities And Applicability

- A. The following Wireless Communication Facilities may be allowed within Bladen County as follows;
1. Antenna Attachments. Antenna attachments onto existing Support Structure or onto an Attached Wireless Communication Facility shall be permitted by administrative approval subject to the development criteria of Section V. of this Ordinance.
  2. All lands identified in Table A. Antenna attachments or Wireless Communication Facilities with support structures shall be permitted by administrative approval subject to the development criteria of Section V of this Ordinance and Table A.

**TABLE A**

<b>Site #</b>	<b>Field Site Name</b>	<b>Size</b>	<b>Recommended Wireless Communication Facility Use</b>
NC-0469	Water Tank #1	140' Tall 10,000 Sq. Ft.	Attachments Only
NC-0470	Vacant Land	10 Acres	300' New Guyed Tower
NC-0475	School Bus Storage	5 Acres	Attachment to existing tower or New 190' Monopole
NC-0476	County Park	40 Acres	150' Reconstructed Light Pole & Fixtures
NC-0477	Waste Transfer Station	50 Acres	300' Guyed Tower
NC-0481	Water Tank #2	140' Tall 1 Acre	Attachments or New 190' Monopole
NC-0485	Vacant Lot	18,300 Sq. Ft.	New 190' Monopole
NC-0486	Water Tank #3	130' Tall 1 Acre	Attachments or New 190' Monopole
NC-0487	Vacant Lot	4,022 Sq. Ft.	New 190' Monopole
NC-0488	Vacant Lot	1 Acre	New 190' Monopole
NC-0491	Vacant Lot	1 Acre	New 190' Monopole
NC-0492	Well Pump	40,000 Sq. Ft.	New 190' Monopole
NC-0495	Water Tank	171' 1 Acres	Attachments or New 190' Monopole
NC-0496	Vacant Land	31,500 Sq. Ft	New 250' Guyed Tower
NC-0501	Ag. Center & Animal Shelter	3 Acres	New 190' Monopole

3. Other Lands. Wireless Communication Facilities with support structures shall only be permitted on all other lands not identified in Table A by means of approval of a Special Use Permit. Prior to applying for a Special Use Permit, the applicant shall provide the County with adequate information to establish that lands included in 1 or 2 above can not be made suitable for Wireless Communication Facility locations.

A proposal for a new wireless communication facility shall not be approved unless the Planning Board finds that the equipment planned for the proposed tower cannot be accommodated on existing or approved towers, buildings or alternative structures within a one-half (1/2) mile search radius of the proposed wireless communications facility due to one or more of the following reasons:

- i) The planned equipment would exceed the structural capacity of the existing or approved tower, building or structures, as documented by a qualified and licensed North Carolina professional engineer, and the existing or approved tower,

building or structure cannot be reinforced, modified or replaced to accommodate planned or equivalent equipment at the reasonable cost.

- ii) The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower, building or other structure as documented by a qualified and licensed North Carolina engineer and the interference cannot be prevented at a reasonable cost.
- iii) Existing or approved towers, buildings or other structures within the search radius, or combinations thereof, cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed North Carolina professional engineer.
- iv) Other unforeseen reasons that make it infeasible to locate the planned telecommunication equipment upon an existing or approved tower, building or other structure.

B. The following shall apply in Bladen County.

1. Tower and Antenna Use Application Required. No person, firm or corporation shall install or construct any Wireless Communication Facility unless and until a Tower Antenna Use Application (TAA) has been issued pursuant to the requirements of this ordinance.
2. Pre-existing Wireless Communications Facility. Wireless Communications Facilities which were installed prior to the effective date of this Ordinance shall be considered as nonconforming.
3. Amateur Radio Exclusion. This Section shall not govern the installation of any amateur radio facility that is owned and operated by a federally licensed amateur radio station operator.
4. Relationship to Other Ordinances. Except for Historic Districts, this Section shall supersede all conflicting requirements of other ordinances regarding the locating and permitting of Wireless Communication Facilities.

5. Airport Zoning. Any Wireless Communication Facility located or proposed to be located in airport areas governed by the Federal Aviation Administration shall also comply with the provisions of all applicable local, state and federal airport regulations.
6. Building Codes. Construction of all Wireless Communication Facilities shall comply with the requirements of the North Carolina State Building Codes and permitting process in addition to the requirements of this Section.

## V. Development Standards

A. Development standards for Wireless Communication Facilities will include the following development standards:

1. Height Standards. The following height standards shall apply to all Wireless Communications Facility installations:
  - a. Attached Wireless Communications Facilities. Attached Wireless Communication Facilities shall not add more than twenty (20) feet to the height of the existing building or structure to which it is attached (Attachment Structure). However, antenna attachments to existing communication towers shall not increase the height of tower above the maximum original permitted height of that tower.
  - b. Wireless Communication Facilities with Support Structures identified in Table A shall have a maximum height as set out in Table A.
  - c. Height for Wireless Communication Facilities with Support Structures on other lands not identified in a. or b. above shall be reviewed on a case by case basis as part of the Special Use Permit process. The height of the proposed Wireless Communication Facility should be consistent with the height standards indicated in Table A for similar properties in similar locations; and considering ground elevations, topographical conditions and other site development criteria within this Ordinance.

2. Setback Standards. The following setback standards shall apply to all Wireless Communication Facility installations.

a. Attached Wireless Communication Facilities. Attached Wireless Communications Facilities shall meet the setback provisions of the underlying zoning district in which they are located. However, an Attached Wireless Communication Facility Antenna Array may extend up to 30 inches horizontally beyond the edge of the Attachment Structure so long as the Antenna Array does not encroach upon an adjoining parcel.

~~b. Wireless Communications Facilities with Support Structures. Wireless Communications Facilities with Support Structure shall meet the setback requirements for principal structures of the underlying zoning district in which they are located.~~

The minimum setback from all property lines for all wireless communication facilities (cell towers and support structures) shall be a minimum of 300 feet and the setback shall be at least the height of the tower plus 25 feet. Amendment Effective June 5, 2006

3. Landscaping. The following landscaping requirements shall be maintained by the applicant and shall apply to all Wireless Communications Facility installations.

a. New Construction. New Wireless Communications Facilities with Support Structures and Attached Wireless Communication Facilities with new building construction shall be landscaped with a minimum landscaped area of ten (10) feet around the perimeter of the security fence meeting the following standards:

- i. One row of evergreen trees with a minimum caliper of 1.75 inches shall be installed with a maximum spacing of 25 feet.
- ii. Evergreen shrubs capable of creating a continuous hedge and obtaining a height of at least five (5) feet shall be planted with a maximum spacing of five (5) feet. Plants shall be at least three (3) gallon container plants or 24 inches tall at the time of planting.

- iii. All plants and trees shall be indigenous to eastern North Carolina and drought resistant.
  - b. Land Form Preservation. Existing mature tree growth and natural Land Form on the site shall be preserved to the extent feasible; provided however, that vegetation that causes interference with the antennas or inhibits access to the Equipment Facility may be trimmed or removed.
  - c. Existing Vegetation. Existing vegetation on a Wireless Communication Facility site may be used in lieu of required landscaping where approved by the Planning Director or designee.
  - d. Minimum Site Disturbance. Grading for the new Wireless Communication Facility shall be minimized and limited only to the area necessary for the new facility.
- 4. Aesthetics, Placement, Materials and Colors. The following standards shall apply to all new antenna arrays and new wireless communications facilities:
  - a. Antenna Array Attachments shall be designed so as to be compatible with the wireless communication facility to which it is to be affixed; including but not limited to matching the proposed array with existing structural design, facade colors, and camouflage technology.
  - b. New Wireless Communication Facilities shall be designed to be compatible with existing structures and surroundings to the extent feasible. The proposed wireless communication facility should be consistent with the tower type and height standards indicated in Table A for similar properties in similar locations; including but not limited to considerations of scale and space of the immediate vicinity of the new facility, placement in a location which is consistent with proper functioning of the wireless communications facility, the use of compatible or neutral colors, and camouflage technology.
- 5. Lighting. The following lighting requirements shall apply to all Wireless Communications Facility installations. Wireless Communications Facilities shall not be artificially illuminated, directly or indirectly, except for:

- a. Security and safety lighting of equipment buildings if such lighting is appropriately down shielded to keep light within the boundaries of the site; and
  - b. Such illumination of the Wireless Communications Facility as may be required by the FAA or other applicable authority installed in a manner to minimize impacts on adjacent residences.
  - c. Unless otherwise required by the FAA or other applicable authority, the required light shall be red and a type of lens used to reduce ground lighting when the site is within 100' of a residential dwelling.
6. Signage. Wireless Communications Facilities shall not display any signage, logos, decals, symbols or any messages of a commercial or noncommercial nature, except for a small message containing provider identification and emergency telephone numbers and such other information as may be required by local., state or federal regulations governing Wireless Communications Facilities.
7. Fencing. Wireless Communications Facilities with Support Structures shall be enclosed by an opaque fence (excluding slatted chain link) not less than 6 feet in height. Security features may be incorporated into the buffer and landscaping requirements for the site. Nothing herein shall prevent fencing that is necessary to meet requirements of State or Federal agencies.
8. Radio Frequency Emissions/Sound. The following radio frequency emissions standards shall apply to all Wireless Communications Facility installations:
- a. Radio Frequency Impact. The FTA gives the FCC jurisdiction of the regulation of Radio Frequency (RF) emissions, and Wireless Communications Facilities that do not exceed the FCC standards shall not be conditioned or denied on the basis of RF impact.
  - b. FCC Compliance. In order to provide information to its citizens, copies of ongoing FCC information concerning Wireless Communications Facilities and RF emissions standards may be requested from time to time. Applicants for Wireless Communications Facilities shall be required to provide information with the application

on the measurement of the effective radiated power of the facility and how this meets the FCC standards.

- c. Sound Prohibited. No unusual sound emissions such as alarms, bells, buzzers or the like are permitted.
  
- 9. Structural Integrity. Wireless Communications Facilities with Support Structures shall be constructed to the Electronics Industries Association/Telecommunications Industries Association (EIA/TIA) 222 Revision F Standard entitled “Structural Standards for Steel Antennas Towers and Antenna Support Structures” (or equivalent), as it may be updated and amended. Each Support Structure shall be capable of supporting multiple antenna arrays.
  
- 10. Collocation Support Structure Design. All Wireless Communication Facilities with a support structure up to a height of 150 feet shall be engineered and constructed to accommodate at least 3 antenna array. All Wireless Communication Facilities with a support structures up to a height of 150 feet or greater shall be engineered and constructed to accommodate at least 4 antenna array.
  
- 11. Collocation Agreement. All applicants for Wireless Communications Facilities are required to submit a statement with the application agreeing to allow and reasonably market collocation opportunities to other Wireless Communications Facility users. The statement shall include the applicant’s policy regarding collocation of other providers and the methodology to be used by the applicant in determining reasonable rates to be charged other providers. The Collocation Agreement shall be considered a condition of issuance of a Tower Antenna Use Application (TAA). A TAA shall not be issued unless the applicant complies with the collocation policy outlined in Section VIII of this ordinance.

## VI. Review Process

- A. The applicable development criteria referred to herein are those set forth in Subsection V of this Ordinance.
  - 1. Permitting Procedures. Attached Wireless Communications Facilities with or without new building construction that meet the

development criteria may be permitted by administrative review. All Wireless Communications Facilities with Support Structures that meet the development criteria and that are located on lands in Table A, or Antenna Array attachments onto existing structures may be permitted by administrative review unless the proposed facility is located on lands meeting criteria in 2. or 3. below. All other proposed Wireless Communication Facilities shall be subject to the Special Use Permit process.

2. Any Wireless Communications Facility (Attached or with a Support Structure), regardless of type, to be located within an established historic area, or other designated Overlay District will be subject to review by the appropriate Preservation Commission and the Planning Board. Review by a Preservation Commission shall be in accordance with that District Ordinance administrative procedures for a certificate of appropriateness. All Wireless Communications Facility applications that do not conform to the Development Criteria or are otherwise not eligible for Administrative Review shall be subject to the Planning Board Review process.
3. Wireless Communications Facilities as a part of a Coordinated Development Approval. Wireless Communications Facilities as part of a proposed residential or nonresidential subdivision, planned unit development, site plan, conditional rezoning, or other coordinated development approval shall be reviewed and approved through those processes.
4. Temporary Wireless Communications Facilities may be permitted by Administrative Approval for a term not to exceed 90 days. Once granted, a temporary Wireless Communications Facility permit may be extended for an additional 90 days upon evidence of need by the applicant. In case of emergency (e.g., storm damage to an existing tower or other circumstances resulting in the interruption of existing service) the Administrative Review shall be expedited to the extent feasible.

## VII. Approval Process

- A. Application Submission. All Tower Antenna Use Applications, regardless of Wireless Communication Facility type shall include all of the requirements contained in this section.
1. Application Contents. Each applicant requesting a TAA under this Ordinance shall submit a sealed complete set of drawings prepared by a licensed architect or engineer that will include a site plan, elevation view and other supporting drawings, calculations and other documentation showing the location and dimensions of the wireless communications facility and all improvements associated therewith, including information concerning specifications, antenna locations, equipment facility and shelters, landscaping, parking, access, fencing and, if relevant as determined by staff, topography, adjacent uses and existing vegetation. Applicants proposing to collocate on an existing wireless communication facility shall include a Radio Frequency Intermodulation Study with their application.
  2. Submission requirements. Application for a TAA shall be submitted to the County on forms prescribed by the County. The application shall be accompanied by a site plan containing the information described above and a copy of the appropriate FCC license. If Planning Board review is required, the application and site plan shall be placed on the next available Planning Board agenda in accordance with the agenda deadlines established by the County.
  3. Application Fees. A plan review fee of \$500 and a Radio Frequency Intermodulation Study review fee of \$500 (collocation applicants only) shall accompany each application. These fees may be used by the County to engage an engineer(s) or other qualified consultant(s) to review the technical aspects of the application and Radio Frequency Intermodulation Study (if required).
  4. Additional Technical Assistance. In the course of its consideration of an application, the County, may deem it necessary, in complex situations, to employ an engineer(s) or other consultant(s) qualified in the design and installation of wireless communication facilities to

assist the County in the technical aspects of the application. In such cases, any additional reasonable costs incurred by the County not to exceed fifteen hundred dollars (\$1,500) for the technical review and recommendation shall be reimbursed by the applicant prior to the final County hearing on the TAA.

B. **Administrative Review.** The following administrative review process shall apply to all wireless communications facility applications eligible for administrative review.

1. Review Authority. Review of the Tower and Antenna Use Application (TAA) under this Section shall be conducted by the Planning Director or the designee upon filing a TAA.
2. Review Criteria. Each application shall be reviewed for compliance with the development criteria specified in Section V.
3. Timing of Decision. The Planning Director or designee shall render a decision on the wireless communication facility application by written response to the applicant within twenty (20) business days after receipt of the complete application, except that an extension may be agreed upon by the applicant.
4. Application Denial. If Administrative approval is not obtained or is denied due to noncompliance with the development criteria, the applicant may appeal the denial by applying for Planning Board review.
5. Application Approval. If the TAA application together with all required addenda are in compliance with the development criteria and otherwise meets the requirements of this Section, the Planning Director or designee may approve the Tower Antenna Use Application and authorize issuance of the proper permits.

C. **Planning Board Review.** The following shall apply to all Tower and Antenna Use Applications requiring submission to the Planning Board.

1. Review Authority. The Planning Board shall be the review authority for TAA applications not eligible for Administrative Review or otherwise referred to the Board.

2. Notice. Notice of the Special Use Permit and the public hearing by the Planning Board shall be provided as described below.
  - a. Notice to affected property owners. The applicant shall provide the Planning Director or designee with a complete list of the names, and addresses of the property owners to be notified per the prescribed notice requirements of detailed herein. The Planning Director or designee shall verify the list for completeness and a TAA shall not be processed until this list is considered complete by the Planning Director or designee. The mailing of notices shall follow the requirements listed below:
    - i) The owner of the parcel of land included in the Special Use Permit as shown on the county tax listing, and the owners of all parcels of land adjoining and contiguous to that parcel of land as shown on the county tax listing, shall be mailed a notice of the requested Special Use Permit.
    - ii) Notice shall be by first class mail to the last address listed for property owners on the county tax abstracts. This notice must be deposited in the mail at least ten (10) but not more than twenty-five (25) days prior to the date of the public hearing.
    - iii) The person(s) mailing the notices shall certify to the Board of Commissioners that proper notice has been given and such certification shall be deemed conclusive in the absence of fraud.
  - b. Newspaper Notice. Notice of the requested Special Use Permit shall also be published as a legal advertisement in a newspaper of general circulation in Bladen County. The notice shall include the date, time, and place of the hearing as well as information regarding the Special Use Permit such as tower type, height, and location. The notice shall be published not less than 10 days nor more that 25 days before the date fixed for the hearing.
3. Hearing. The Planning Board shall review and consider the TAA application at a quasi-judicial public hearing. At the hearing, interested persons may appear and offer information in support or

opposition to the proposed application. The Planning Board shall consider the following in reaching a decision.

- a. Development Criteria. The complete Tower Antenna Use Application shall be reviewed for compliance with the development criteria set forth in Section V.
- b. Tower Siting Conditions. The Planning Board may recommend alternative development criteria, impose conditions or add restrictions on the application as it deems necessary to reduce or minimize any adverse effects and to enhance the compatibility of the wireless communication facility with the surrounding property, in accordance with the purposes and intent of this Ordinance, provided the alternative development criteria, conditions or restrictions are reasonable and capable of being accomplished. The inclusion of additional conditions, development criteria or restrictions shall be by specific inclusion in a motion for approval.
- c. The Special Use Permit shall be granted when each of the following Finding of Fact have been made by the Planning Board:
  - i.) The wireless communication facility will not materially endanger the public health or safety if located where proposed and developed according to the plan submitted;
  - ii.) The wireless communication facility meets all required conditions, specifications and development standards of this Ordinance;
  - iii.) The wireless communication facility will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity;
  - iv.) The location and character of the use, if developed according to the plan submitted, will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the Jurisdiction and its environs;

- v.) If applicable, additional development conditions are based upon the purpose and goals of this Ordinance; and
  - vi.) If applicable, additional development conditions are reasonable and capable of being accomplished.
- d. Action. Following the public hearing and presentation of evidence, the Planning Board shall take one of the following actions:
- i.) Approve the application as submitted; or
  - ii.) Approve the application with conditions or modifications; or
  - iii.) Refer the application for additional information or neighborhood input; or
  - iv.) Deny the application in writing.
4. Findings. All decisions rendered by the Planning Board concerning a Tower Antenna Use Application shall be supported by written findings of fact and conclusions of law based upon substantial evidence of record.
5. Timing of Decision. The Planning Board shall hold a hearing within 60 days or less of the final submission of all required application documents and technical review, however, this time may be increased due to deferrals by either the applicant or the Planning Board.
6. Appeals. The decision of the Planning Board may be appealed to Bladen County Commissioners under the following circumstances:
- a.) An appeal shall be filed no later than 30 days after the final action by the Planning Director or the Planning Board. Only the applicant and those who registered an objection to the TAA in the record of the Planning Board shall have standing to appeal.
  - b.) Only such evidence or testimony in support of or opposition to the issuance of the TAA which was provided to the Planning Board may be presented to the Bladen County Commissioners unless the

Bladen County Commissioners, by majority vote, decides to hear new information.

- c.) Notice of appeal shall be accomplished in the same manner as the Special Use Permit is processed for the Planning Board and as described in Section VII. C.2 a-c, of this Ordinance.

## VIII. Shared Facilities and Collocation Policy

Collocation. All new Wireless Communication Facilities shall be engineered, designed and constructed to be capable of sharing the facility with other applicants, to collocate with other existing wireless communication facilities and to accommodate the future collocation of other wireless communication facilities. A TAA shall not be issued until the applicant proposing a new wireless communications facility shall demonstrate that it has made a reasonable good faith attempt to locate its Wireless Communication Facility onto an existing structure. Competitive conflict and financial burden alone are not deemed to be adequate reasons against collocation.

## IX. Removal of Abandoned Support Structures

Any support structure that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the County, at its election, may require the support structure owner to remove the support structure within 90 days after notice from the County to remove the support structure. If there are two or more users of a single support structure, this provision shall not become effective until all providers cease to use the support structure. If the owner of an abandoned support structure cannot be located or is no longer in business, the requirements of this section shall be the responsibility of the landowner on whose property the support is located.

## X. Nonconforming

- A. Wireless Communication Facilities in existence on the date of the adoption of this Ordinance which do not comply with the requirements of this Ordinance (nonconforming wireless communications facility) are subject to the following provisions:

1. Expansion. Nonconforming wireless communication facilities may continue in use for the purpose now used, but may not be expanded without complying with this Ordinance except as further provided in this Section.
2. Additions. Nonconforming wireless communications facilities may add additional antennas (belonging to the same provider or other providers) subject to Administrative Review under this Ordinance.
3. Repairs or Reconstruction. Nonconforming wireless communications facilities which become damaged due to any reason or cause, may be repaired and restored to its former use, location, and physical dimensions subject to the provisions of this Ordinance. Provided, however, that if the damage to the wireless communication facility exceeds 50% of replacement cost, said wireless communication facility may only be reconstructed or repaired in compliance with this ordinance.

Any nonconforming wireless communications facility not in use for six months shall be deemed abandoned and all rights as a nonconforming use shall cease.

## XI. Revocation of Tower and Antenna Use Applications

The approval of any Tower and Antenna Use Application issued pursuant to this Ordinance may be revoked after a hearing as provided hereinafter. If the Planning Director or designee finds that any permit holder has violated any provision of this Ordinance, or the conditions, restrictions or additional development standards of and approved Special Use Permit; or has failed to make good faith reasonable efforts to provide or seek collocation, the Planning Director or designee shall notify the permit holder in writing that the TAA is revocable due to the permit holder's non compliance with the conditions of the permit and the Planning Director or designee shall convene a meeting with the Permit holder no later than 30 days from the date of the letter. The Planning Director or designee may require the permit holder to correct the violation within a reasonable amount of time or the Planning Director or designee may recommend to the County Commissioners that the Tower Antenna Use Application be revoked. After the appropriate public hearing, the County Manager and County Commissioners may revoke the Tower Antenna Use Application (TAA) upon such terms and conditions, if

any, that the County Manager and County Commissioners may determine. Prior to initiation of revocation proceedings, the County shall notify the permit holder, in writing, of the specific areas of non-compliance and specify the date by which such deficiencies must be corrected. The time for correction of deficiencies shall not exceed 60 days. The permit holder shall provide the County with evidence that the required corrective action has been taken. Should the permit holder fail to correct any deficiencies in the time required, the County Manager and County Commissioners shall convene a public hearing to consider revocation of the Tower Antenna Use Application. The hearing shall be conducted pursuant to notice by publication in a newspaper with general circulation in the County not less than 10 days prior to the hearing and by written notice to the permit holder. At any such hearing, the permit holder may be represented by an attorney and may cross-examine opposing witnesses. Other interested persons may comment. The County Manager and County Commissioners may impose reasonable restrictions with respect to time and procedure. The proceedings shall be recorded; provided, however, that stenographic services, if desired, shall be provided by the requesting party at that party's expense.

## XII. Civil Penalty

In accordance with N.C.G.S. 153A-123, the penalty for violating any provisions of this Ordinance shall be five hundred dollars (\$500.00) for any one specified offense or violation. Each day's continuing violation constitutes a separate offense.

## XIII. Annual Review

The County Manager and County Commissioners may review this ordinance on an annual basis and may alter or amend the same as required in the manner provided by law.

XIV. Effective Date

This ordinance shall take effect and be in force from and after  
August 16, 1999.  
(date)

XV. Adoption

Duly adopted by Bladen County Board of Commissioners, in the State of  
North Carolina, this the 16<sup>th</sup> day of August, 1999.

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Chairman

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Clerk

SEAL