

ARTICLE 14

WIRELESS COMMUNICATIONS FACILITIES

SECTION 14.1 GENERAL INFORMATION FOR WIRELESS COMMUNICATIONS FACILITIES

14.1.1 Authority

This Article is enacted pursuant to the powers granted to Moore County by North Carolina General Statutes Chapter 153A-340, the authority granted by the Telecommunications Act of 1996 and Section 47 of the US Code.

14.1.2 Purpose

The purpose of this article is to provide guidance and community standards for the siting of wireless communication facilities and to accommodate the growing need and demand for wireless communication services.

14.1.3 Intent

- 14.1.301 The intent of this article is to be used by applicants as a checklist to minimize the impacts of wireless communications facilities on surrounding properties by establishing standards for location, structural integrity, and compatibility.
- 14.1.302 Encourage the location and collocation of wireless communications equipment on existing structures.
- 14.1.303 Minimize the visual, aesthetic, and public safety impacts and effects upon the historic and natural environments, and wildlife, and to reduce the need for additional antenna support structures.
- 14.1.304 Encourage coordination between the WCF developers and providers of wireless communication services.
- 14.1.305 Establish predictable and balanced codes governing the construction and location of wireless communications facilities, within the confines of permissible local regulations.
- 14.1.306 Establish technical and land use review procedures to ensure that applications for wireless communications facilities are reviewed and acted upon within a reasonable period of time.
- 14.1.307 Respond to the policies embodied in the Telecommunications Act of 1996 in such a manner as not to unreasonably discriminate between providers of licensed and

unlicensed services of personal commercial wireless services that may or may not be commercial in nature.

14.1.308 Protect the character of the County while meeting the needs of its citizens to enjoy the benefits of wireless communications services.

14.1.309 Consideration of and compatibility with the goals and objectives of the Moore County Land Use Plan and Code of Ordinances.

14.1.4 Goal

14.1.401 Establish a Countywide wireless telecommunications facilities system consistent with the County's Wireless Communications Facilities Management Plan.

14.1.5 Applicability

Except as provided in §14.1.6 (Exempt Installations), the Ordinance standards within this Article shall apply to the development activities including installation, construction, or modification of the following wireless communications facilities:

14.1.501 Existing antenna support structures.

14.1.502 Proposed antenna support structures.

14.1.503 Public Safety antenna support structures.

14.1.504 Replacement of existing antenna support structures.

14.1.505 Co-location on existing antenna support structures.

14.1.506 Attached wireless communications facilities.

14.1.507 Concealed wireless communications facilities.

14.1.508 Antenna support structures, antennas, and/or antenna arrays for AM/FM/TV/HDTV broadcasting transmission facilities that are licensed by the Federal Communications Commission shall be regulated in accordance with federal and other applicable local regulations.

14.1.6 Exempt Installations

The following items are exempt from the provisions of **Article 14** (Wireless Telecommunications Facilities). The following must comply with any other provisions contained in *Unified Development Ordinance of Moore County, North Carolina*.

14.1.601 Amateur radio station antennas.

14.1.602 Satellite earth stations that are one (1) meter (39.37 inches) or less in diameter and two (2) meters (78.74 inches) or less and not greater than thirty-five (35) feet above ground level.

14.1.603 A government-owned wireless communications facility, upon the declaration of a state of emergency by federal, state, or local government, and a written

determination of public necessity by the County; except that such facility must comply with all federal and state requirements. No wireless communications facility shall be exempt from the provisions of this division beyond the duration of the state of emergency.

- 14.1.604 A government-owned wireless communications facility erected for the purposes of installing antenna(s) and ancillary equipment necessary to provide communications for public health and safety.
- 14.1.605 A temporary, commercial wireless communications facility, upon the declaration of a state of emergency by federal, state, or local government, or determination of public necessity by the County and approved by the County; except that such facility must comply with all federal and state requirements. The wireless communications facility may be exempt from the provisions of this division up to three (3) months after the duration of the state of emergency, or determination of public necessity by the County. This provision may be extended in additional three (3) month increments.
- 14.1.606 Permits may be issued for up to one week for temporary facilities (COW) needed in conjunction with scheduled special events at specific locales that are likely to generate a need for additional capacity at the event that is expected to exceed existing installed capacity. A maximum of four (4) one-week permits may be issued by the Ordinance Administrator or his/her agent(s) for a temporary facility. Temporary facilities requiring a temporary permit for longer than four weeks must receive approval from the Moore County Board of Commissioners.

14.1.7 Permitted Commercial Tower Development Areas (PCTDA)

- 14.1.701 Permitted Commercial Tower Development Areas designated by Moore County, which are areas represented by a 2-mile radius from a specific street intersection, should be encouraged for all new tower applications. (See Appendix E)
- 14.1.702 Freestanding concealed and all other types of wireless telecommunications facilities are permitted within PCDTA's in accordance with §14.3.1 (Permitted Uses By Zoning District).

14.1.8 Appeals

The Moore County Board of Adjustment shall hear and decide appeals where it is alleged there is an error on any order, requirement, decision or determination made by any administrative official in the enforcement of this Article. This section shall supersede §3.14 (Administrative Appeals) and shall control in regard to administrative appeals pertaining to wireless communication facilities.

- 14.1.801 Administrative appeals shall be filed with the Ordinance Administrator or his/her agent(s) within ninety (90) days from the date of the action being appealed. The applicant shall submit a written appeal request on a form supplied by the

Ordinance Administrator or his/her agent(s). The appeal hearing for the appeal application shall occur within forty-five (45) days of receipt of a complete application.

- 14.1.802 The concurring vote of four (4) members of the Board of Adjustment hearing the appeal may vote to reverse any order, requirement, decision or determination of any administrative official charged with the enforcement of this Ordinance.
- 14.1.803 Public notice of the administrative appeal hearing and request shall be in accordance with §14.2.4 (Required Notifications).
- 14.1.804 The applicant for an administrative appeal shall pay a nonrefundable fee as established by the Board of County Commissioners per the current fee schedule to Moore County to cover the cost of advertising and administration. This fee is in addition to any other fee that is applicable under this Ordinance or any other Ordinance.
- 14.1.805 The Board of Adjustment shall make written findings to support its decision either to grant or deny the appeal application, and a copy shall be provided to the applicant. A request for an appeal under this Section shall not constitute an admission by the applicant of any findings of fact made by the Board of Adjustment or a waiver of appeal rights provided by this Section.
- 14.1.806 Appeals from the decision of the Board of Adjustment in regard to an administrative appeal shall be taken directly to the Superior Court having jurisdiction. The appeal to the Superior Court must occur within thirty (30) days of the Board of Adjustment's decision, or forever be barred.
- 14.1.807 **Issuance of Permit.** Should any appeal and/or variance be approved by the appropriate body, the Ordinance Administrator or his/her agent(s) shall issue a wireless communication facility permit. The permit applicant shall acknowledge and agree to permit conditions approved by the Board of Commissioners, if applicable. If construction is not begun within twelve (12) months after the wireless communication facility permit is issued, the wireless communication facility permit shall expire

SECTION 14.2 APPLICATION SUBMITTAL REQUIREMENTS

14.2.1 General Application Requirements

The items listed in this section are required for submittal of all applications pertaining to wireless telecommunications facilities under this Article as deemed appropriate by the Zoning Administrator.

- 14.2.101 An affidavit by a radio frequency engineer demonstrating compliance with the County's Wireless Communications Facilities Management Plan.

- 14.2.102 Proof that a property and/or antenna support structure owner's agent has appropriate authorization to act upon the owner's behalf if applicable.
- 14.2.103 A signed statement from a qualified person, together with their qualifications, shall be included that certifies radio frequency emissions from the antenna array(s) comply with current FCC standards. A signed statement from a qualified person, together with their qualifications, shall be included that warrants radio frequency emissions from the antenna array(s) comply with FCC standards. The statement shall also certify that both individually and cumulatively, and with any other existing facilities located on or immediately adjacent to the proposed facility complies with current FCC standards.
- 14.2.104 For all applications except collocations, the applicant shall provide a statement as to the potential visual and aesthetic impacts of the proposed WCF on all adjacent residential zoning districts.
- 14.2.105 For all applications except collocations, a radio frequency analysis indicating the coverage of existing wireless communications sites, coverage prediction, and design radius, together with a certification from the applicant's radio frequency (RF) engineer that the proposed network design is intended to improve coverage or capacity potential or reduce interference and the proposed facility cannot be achieved by a concealed (stealth) facility, attached facility, replacement facility, collocation, or new antenna support structure.
- 14.2.106 Materials detailing the locations of existing wireless communications facilities to which the proposed antenna will be a handoff candidate, including latitude and longitude of the proposed and existing antenna.
- 14.2.107 Compliance letter from the State Historic Preservation Office (SHPO) if applicable.
- 14.2.108 Completed checklist demonstrating compliance with the National Environmental Policy Act (NEPA) if applicable.
- 14.2.109 If the proposed WCF is subject to FAA regulation, then prior to issuance of a building permit, a copy of any such FAA approval.
- 14.2.1010 If the United States Fish and Wildlife Service require the applicant to submit any information to them concerning the proposed wireless communications facility, the applicant shall also furnish a copy of any material submitted to the United States Fish and Wildlife Service to the County as part of the application package.

14.2.2 Radio Frequency Analysis Required

In order to facilitate the regulation, placement, and construction of WCFs, and to ensure that all parties comply to the fullest extent possible with the rules, regulations, and/or guidelines of the FCC, each owner of a WCF or applicant for a WCF shall agree in a written statement to the following:

- 14.2.201 Certification from the applicant that it complies with FCC regulations regarding susceptibility to radio frequency interference, frequency coordination requirements, general technical standards for power, antenna, bandwidth limitations, frequency stability, transmitter measurements, operating requirements, and any and all other federal statutory and regulatory requirements relating to radio frequency interference (RFI).
- 14.2.202 In the case of an application for collocated telecommunications facilities, the applicant, together with the owner of the subject site, shall use their best efforts to provide a composite analysis of all users of the site to determine that the applicant's proposed facilities will not cause radio frequency interference with the County's public safety communications equipment and will implement appropriate technical measures, as described in §14.10 (Antenna Element Replacement and Expansion) to attempt to prevent such interference.

14.2.3 Performance Bond or Letter of Credit Required

- 14.2.301 Applicant shall submit a performance bond or letter of credit from an accepted bank in the amount of Twenty Thousand (\$20,000.00) or a bond equal to the written estimate from a qualified tower removal contractor to guarantee that the facility will be removed when no longer in use.
- 14.2.302 Collocation applicants shall provide a performance bond equal to the written estimate from a qualified tower removal contractor to remove their equipment, cabinets, antenna, feed wires and all other appurtenances in collocation applicant's ownership/lease upon applicant's cessation of use.

14.2.4 Required Notifications

The items listed in this section are required for submittal of all applications pertaining to Wireless Communications Facilities under this Article that require a properly noticed public hearing per §14.3.1 (Permitted Uses by Zoning District). The applicant shall provide the Zoning Administrator or his/her agent(s) with a complete list of the names, and addresses of the property owners to be notified before any required public hearing shall be conducted. A wireless telecommunication permit application shall not be considered complete until a comprehensive list is provided. The County will verify the list for completeness and shall mail notices per the following provisions:

- 14.2.401 Adjacent or abutting property owners. Notice of any public hearing shall be sent by certified mail (return receipt requested) to the owners of all parcels of land adjacent to or abutting the site of the proposed telecommunication tower at the last address listed for such owners in the County property tax records;
- 14.2.402 Notice to other affected property owners. Notice to all other owners of properties within a one-quarter mile radius of the proposed telecommunication tower site shall be sent by first-class mail with proper postage affixed at the last address listed for such owners in the County property tax records.

- 14.2.403 Timeliness of notice. Any notices required under the above subsections shall be mailed at least ten (10) but not more than twenty-five (25) days prior to the date of the public hearing.
- 14.2.404 Notice of an application for a wireless communications facility shall comply with the provisions of NCGS [153A-323](#) and [153A-343](#) as amended.
- 14.2.405 The property for which the Conditional Use is proposed shall be posted at least one week before the public hearing.

14.2.5 Additional Submittal Requirements for All Freestanding WCF

In addition to those requirements found in this section the following specific information must be submitted for mitigated, non-concealed and concealed WCFs.

- 14.2.501 Certification furnished by a Registered Professional Engineer licensed in the State of North Carolina, that the WCF has sufficient structural integrity to accommodate the required number of proposed collocations.
- 14.2.502 A written statement by a Registered Professional Engineer licensed by the State of North Carolina specifying the design structural failure modes of the proposed facility, if applicable.
- 14.2.503 Identification of the intended service providers of the WCF.
- 14.2.504 Master Site Plan including fall zone radius labeled as a “NO BUILD ZONE”.
- 14.2.505 Proposed maximum height of the proposed WCF, including measurement of the base the antenna support structure, less the lightning rod. .
- 14.2.506 The applicant shall provide a visual impact study including, but not limited to simulated photographic evidence of the proposed WCFs appearance from all public and private roadways, homes, businesses, and institutions located within one-half mile of the center point of the proposed tower site including the facility types the applicant has considered and the impact on adjacent properties including:
 - Overall height
 - Configuration
 - Physical location
 - Mass and scale
 - Materials and color
 - Illumination
 - Architectural design
- 14.2.507 Three (3) sets (24"×36") of signed and sealed site plans, including antenna support structure elevations, and landscape plans if required, and one (1) letter size copy (8½"×11") and/or ledger size copy (11"×17"), and one (1) electronic version of the plans in .PDF file format, of the foregoing plans.

14.2.508 Prior to the issuance of a wireless communication facility permit, the applicant shall be required to provide certificates of insurance demonstrating it has a minimum of \$1,000,000 in general liability insurance covering any liability arising out of its construction or operation of the wireless communication facility. The applicant shall be required to maintain such coverage in full force and effect until such time as all above-ground portions of the facility (not including any part of the foundation) have been removed.

14.2.509 A report, map and supporting technical data demonstrating the designated search ring and that all antenna attachments, collocations, including all potentially useable utility distribution poles or transmission towers and other elevated structures within the proposed geographic search ring, and alternative antenna configurations have been examined, and found unacceptable. The report shall include reasons that existing facilities such as utility distribution poles and transmission towers and other elevated structures are not acceptable alternatives to a new freestanding WCF. The report regarding the adequacy of alternative existing facilities or the mitigation of existing facilities to meet the applicant's need or the needs of service providers indicating that no existing wireless communications facility could accommodate the applicant's proposed facility shall demonstrate any of the following:

- No existing wireless communications facilities located within the geographic search ring meet the applicant's engineering requirements, and why.
- Existing wireless communications facilities are not of sufficient height or design strength to meet the applicant's engineering requirements, and cannot be increased in height.
- Existing wireless communications facilities do not have sufficient structural integrity to support the applicant's proposed wireless communications facilities and related equipment, and the existing facility cannot be sufficiently improved.
- Other limiting factors that render existing wireless communications facilities unsuitable.
- Technical data included in the report shall include certification by a Registered Professional Engineer licensed in the State of North Carolina or other qualified professional, whose qualifications shall be included with the report, regarding service gaps or service expansions that are addressed by the proposed WCF, and accompanying maps and calculations demonstrating the need for the proposed WCF.

14.2.6 Additional Submittal Requirements for Attached, Collocated or Combined Facilities

14.2.601 Certification furnished by a Registered Professional Engineer licensed in the State of North Carolina that the WCF has sufficient structural integrity to support the proposed antenna and feed lines in addition to any and all other equipment

located, mounted or planned for the future in accordance with §14.5.3 (Designed for Maximum Co-location).

- 14.2.602 A signed statement from the antenna support structure owner or owner's agent agreeing to allow the collocation of other wireless equipment on the proposed antenna support structure, if the structure is designed or capable of additional wireless equipment.

14.2.7 Additional Submittal Requirements for Replacement or Expansion

- 14.2.701 For any repair or replacement of an existing antenna or antenna array on a WCF that changes the mechanical or electrical specifications of the WCF, but does not increase the number and/or size of feed lines to the existing WCF, the applicant must, prior to making such modifications, submit the following:

- A written statement setting forth the reasons for the modification.
- A description of the proposed modifications to the WCF, including modifications to antenna element design, type and number, as well as any additional feed lines from the base of the WCF to such antenna elements.
- A stamped or sealed structural analysis of the existing WCF prepared by a Registered Professional Engineer licensed by the State of North Carolina indicating that the existing antenna support structure as well as all existing and proposed appurtenances meets North Carolina Building Code requirements for facilities within Moore County (including wind loading) for the antenna support structure.

- 14.2.702 Any repair or replacement of an existing antenna or antenna array on a WCF that changes the mechanical specifications and/or that increases the number and/or size of feed lines and/or equipment cabinets of the existing WCF will be treated as a new collocation.

SECTION 14.3 GENERAL DEVELOPMENT STANDARDS FOR ALL WCF

14.3.1 Permitted Uses by Zoning District

The table below indicates what type of wireless telecommunications activity may take place in each zoning district within Moore County. All Conditional Use Permits for Wireless Communications Facilities are reviewed according to §3.9 (Conditional Use Permits)

Zoning District	Attached Concealed WCF	Attached Non-Concealed WCF	Freestanding Concealed WCF	Freestanding Non-Concealed WCF	Mitigation of Existing WCF	Co-Located or Combined on Existing WCF	Antenna Element Replacement	Expansion Existing Antenna Array
COP	P	C	P	C	C	P	P	P
RA-5	P	C	P	N	C	P	P	P
RA-2	P	C	P	N	C	P	P	P
RA-40	P	C	P	N	C	P	P	P
RA-20	P	C	P	N	C	P	P	P
R-MH	P	C	P	N	C	P	P	P
P-C	P	C	P	N	C	P	P	P
B-1	P	C	P	C	C	P	P	P
B-2	P	C	P	C	C	P	P	P
I	P	C	P	C	C	P	P	P
RA	P	C	P	C	C	P	P	P
RA-USB	P	C	P	C	C	P	P	P
RE	P	N	P	N	C	P	P	P
GC-SL	N	N	N	N	N	N	N	N
GC-WL	N	N	N	N	N	N	N	N
P -Permitted C- Conditional Use Permit (Board of Commissioners) N-Not Permitted								
COP – County-Owned Property								

14.3.2 Equipment cabinets

- 14.3.201 Cabinets shall not be visible from public views.
- 14.3.202 Cabinets may be provided within the principal building, behind a screen on a rooftop, or on the ground within the fenced-in and screened equipment compound.

14.3.3 Generators

- 14.3.301 Generators may not be used as a primary electrical power source.
- 14.3.302 Backup generators shall only be operated during power outages and for testing and maintenance purposes.

- 14.3.303 Any and all generators used for wireless communications purposes under this Article shall control the noise level by use of a silencer or other device that will reduce the noise level to no more than 70db.
- 14.3.304 Testing and maintenance shall only take place on weekdays between the hours of 8:30am and 4:30pm.
- 14.3.305 Generators may be used for temporary power prior to receipt of Certificate of Occupancy and not to exceed thirty (30) days.

14.3.4 Fencing

- 14.3.401 All equipment compounds shall be enclosed with a six (6) foot high vinyl coated (vinyl color to be black, brown, or green) chainlink fence with earthtone colored privacy slats, a brick or other masonry-type wall, or wooden stockade fence in all zoning districts except the Industrial (I) zoning district which shall be enclosed within a security fence consisting of chain-link with opaque stripping at least eight (8) feet in height topped with barbed wire.
- 14.3.402 Maintenance of fencing or wall shall be the responsibility of the tower owner for which the fence or wall is required. Fencing or wall shall be maintained in good condition at all times until all components within the fenced or walled area have been removed and properly abandoned per **§14.3.10** (Abandonment).

14.3.5 Access

- 14.3.501 Access to the WCF equipment compound shall be graded and stoned in a manner that will allow access by police and fire/rescue units.
- 14.3.502 As per Moore County Road Name and Addressing Ordinance, Section 4.c. applicant shall prominently display and maintain the assigned number on a post at the driveway intersection.
- 14.3.503 The numbers on the driveway display shall be no less than three (3) inches in height and have a night reflective surface.
- 14.3.504 Further, this address post shall be installed within five (5) business days from issuance of zoning permit.

14.3.6 Signage

- 14.3.601 Attaching commercial messages for off-site and on-site advertising shall be prohibited.
- 14.3.602 The only signage that is permitted upon a non-concealed antenna support structure, equipment cabinet, or fence shall be informational, and for the purpose of identifying (1) the antenna support structure (such as ASR registration number); (2) the party responsible for the operation and maintenance of the facility; (3) its current address and telephone number; (4) security or safety signs;

(5) property manager signs (if applicable); and (6) signage appropriate to warn the general public as to the use of the facility for radiofrequency transmissions.

- 14.3.603 Where signs are otherwise permitted, a WCF may be concealed inside such signage, provided that all applicable standards for both the signage and the concealed WCF are met.

14.3.7 Lighting

- 14.3.701 Lighting on WCFs, if required by the Federal Aviation Administration (FAA), shall not exceed the FAA minimum standards.
- 14.3.702 Any Strobe 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, and shall utilize allowed downward shielding to minimize visual impact to pedestrians and reduce the potential attraction to migratory birds.
- 14.3.703 Dual lighting standards shall be used in the following manner.
- 14.3.704 Strobe lights during daylight hours and red lights during nighttime hours unless specifically prohibited by the FAA.
- 14.3.705 A WCF may utilize a security light controlled by a motion-detector sensor at or near the entrance to the facility.
- 14.3.706 Ground lighting used to respectfully illuminate the American flag on a concealed WCF flagpole shall be permitted provided that the maximum lumen output is 1300 lumens.

14.3.8 Equipment compound

- 14.3.801 The equipment compound shall not be used for the storage of any equipment or materials not needed for the operation or hazardous waste (e.g., discarded batteries).
- 14.3.802 No outdoor storage yards shall be allowed in a WCF equipment compound. In addition, the equipment compound shall not be used as habitable space.

14.3.9 Conformance with State and Federal Codes

- 14.3.901 WCFs and their equipment compounds shall be constructed and maintained in conformance with all applicable building code requirements.
- 14.3.902 Any applicant for facilities under this section shall certify that such proposed facility shall comply with all applicable federal regulations regarding interference protection.
- 14.3.903 In order to protect the public from excessive exposure to electromagnetic radiation, the WCF applicant shall certify through a written statement that the facility meets or exceeds current American National Standards Institute (ANSI) standards as adopted by the FCC.

14.3.10 Abandonment

- 14.3.1001 WCFs and the equipment compound shall be removed, at the owner's expense, within ninety (90) days of cessation of use, unless the abandonment is associated with a replacement antenna structure as provided in §14.9 (Antenna Element Replacement and Expansion), in which case the removal shall occur within one hundred eighty (180) days of cessation of use.
- 14.3.1002 An owner wishing to extend the time for removal or reactivation shall submit an application stating the reason for such extension. The County may extend the time for removal or reactivation up to ninety (90) additional days upon a showing of good cause. If the antenna support structure or antenna is not removed in a timely fashion, the County may give notice that it will contract for removal within sixty (60) days following written notice to the owner. Thereafter, the County may cause removal of the antenna support structure with costs being borne by the current WCF or land owner.
- 14.3.1003 Upon removal of the WCF, the equipment compound and at ground foundations including two feet below ground level, the development area shall be returned to its natural state and topography and vegetation shall be consistent with the natural surroundings or consistent with the current use of the land at the time of removal. The cost of rehabilitation shall be borne by the current WCF or land owner.

SECTION 14.4 FREESTANDING CONCEALED WCF

14.4.1 Applicability

In addition to the general development standards listed in §14.3 and the application submittal requirements listed in §14.2 the following standards shall apply for all freestanding wireless communications facilities.

14.4.2 Determination of Need

No new or mitigated freestanding concealed WCF shall be permitted unless the applicant demonstrates that no existing structure can reasonably accommodate the applicant's proposed use; or that use of such existing facilities would prohibit personal wireless services in the geographic search ring to be served by the proposed antenna support structure.

14.4.3 Designed for Maximum Collocation

All new freestanding concealed WCF shall be designed for maximum collocation installations.

14.4.4 Designed for Non-Concealed Collocation

The following design types shall be used for applicable WCFs

- 14.4.401 All new freestanding concealed WCFs shall have a secondary, obvious function which may be, but is not limited to the following: church steeple, windmill, silo,

bell tower, clock tower, light standard, flag pole with or without a flag, or tree and shall not exceed one hundred and ninety five feet (195') in height.

- 14.4.402 All WCF's up to eighty (80) feet in height shall be engineered and constructed to accommodate no less than two (2) antenna arrays.
- 14.4.403 All WCFs between eighty-one (81) feet and one hundred (100) feet shall be engineered and constructed to accommodate no less than three (3) antenna arrays.
- 14.4.404 All WCFs between one hundred and one (101) and one hundred and twenty-five (125) feet shall be engineered and constructed to accommodate no less than four (4) antenna arrays.
- 14.4.405 Where permitted, all WCFs between one hundred and twenty-six (126) feet and one hundred and ninety five (195) feet shall be engineered and constructed to accommodate no less than five (5) antenna arrays.

14.4.5 Minimum Lot Size

- 14.4.501 All new freestanding WCFs shall meet minimum lot size standards of the underlying zoning district and subject to **Article 6** (Zoning Districts).

14.4.6 Visual Profile

- 14.4.601 New freestanding antenna support structures shall be configured and located in a manner that shall minimize adverse effects including visual impacts on the landscape and adjacent properties.

14.4.7 Grading

- 14.4.701 Grading shall be minimized and limited only to the area necessary for the new WCF as approved by the County.

14.4.8 Safety

- 14.4.801 All support structures shall be certified to comply with the safety standards contained in the Electronics Industries Association /Telecommunications Industries Association (EIA/TIA) document 222-F, or current standard, "Structural Standards For Steel Antenna Towers and Supporting Structures," or current standard, as amended, by a Registered North Carolina Professional Engineer.

14.4.9 Setbacks

- 14.4.901 Setbacks shall not apply to freestanding concealed WCFs when they are installed on existing structures and when the modifications to the existing structure are in keeping with the aesthetics of the original structure.

14.4.10 Landscaping Requirements

All freestanding concealed WCFs must comply with the following landscaping requirements:

- 14.4.1001 For towers one hundred fifty (150) feet or less in height, at least one (1) row of evergreen shrubs capable of forming a continuous hedge at least five (5) feet in height shall be provided with individual plantings spaced not more than five (5) feet apart and at least one (1) row of evergreen trees with a minimum caliper of one and three-fourths (1 3/4) inches at the time of planting and spaced not more than twenty-five (25) feet apart shall be provided within fifteen (15) feet of the perimeter of the setback area.
- 14.4.1002 For towers more than one hundred fifty (150) feet in height, in addition to the requirements for landscaping above, one (1) row of deciduous trees, with a minimum caliper of two and one-half (2 1/2) inches at time of planting and spaced no more than forty (40) feet apart shall be provided within twenty-five (25) feet of the perimeter of the setback area required by item [§14.4.1101](#).
- 14.4.1003 In lieu of the above requirements, in special cases including, but not limited to, cases where a required tree would be closer to the tower than the height of the tree at maturity, the applicant may prepare a detailed plan and specifications for landscape and screening, including plantings, fences, walls, topography, etc., to screen the base of the tower and accessory uses. The plan shall accomplish the same degree of screening achieved in items [§14.4.1101](#) and [§14.4.1102](#) above but may deviate from the specific requirements set forth, and it shall be determined by the Planning Director that the public interest will be equally served by such plan.
- 14.4.1004 All required landscaping shall be installed according to established planting procedures using good quality plant materials.
- 14.4.1005 No certificate of occupancy shall be issued until the required landscaping is completed in accordance with the approved landscape plan as certified by an on-site inspection by the Planning Director and/or Zoning Administrator. When the occupancy of a structure is desired prior to the completions of the required landscaping, a certificate of occupancy shall be issued only if the owner or developer provides to the County a form of surety bond in an amount equal to the remaining plant materials, related materials and installation costs.
- 14.4.1006 All required landscaping must be installed and approved by the first planting season following issuance of the certificate of occupancy or the surety bond will be forfeited to the County.
- 14.4.1007 The owners and their agents shall be responsible for providing, protecting and maintaining all landscaping in healthy and growing conditions, replacing unhealthy or dead plant materials within one (1) year or by the next planting season, whichever comes first. Replacement material shall conform to the original intent of the landscape plan.

14.4.11 Height

- 14.4.1101 In all zoning districts where permitted, the maximum height shall be limited to one hundred and ninety five feet (195'). (See §14.3.1 (Permitted Uses by Zoning District))
- 14.4.1102 All height limits shall include above ground foundations, but exclude lightning rods or lights required by the FAA that do not provide any support for antennas.

14.4.12 Neighborhood Meeting Required

- 14.4.1201 A neighborhood meeting shall be held to facilitate the exchange of information and solicit public input by and between the applicant, nearby landowners and other citizens prior to finalization of a zoning petition.
- 14.4.1202 At a minimum, the applicant shall make the preliminary concept plan(s) available for review, explain the general concept for the proposed telecommunications tower and provide time for open comment and questions.
- 14.4.1203 Notice of the neighborhood meeting shall be made by the applicant in accordance with the procedures for noticing public hearings as outlined below. The notice shall:
- State the date, time and place of the neighborhood meeting.
 - Identify the property encompassing the proposed telecommunications tower
 - Succinctly summarize the general intent or concept for the proposed telecommunications tower as currently contemplated by the applicant.
- 14.4.1204 Notice of any neighborhood meeting shall be sent by certified mail (return receipt requested) to the owners of all parcels of land adjacent to or abutting the site of the proposed telecommunications tower at the last address listed for such owners in the County property tax records.
- 14.4.1205 Notice to all other owners of properties within a one-quarter mile radius of the proposed telecommunication tower site shall be sent by first-class mail with proper postage affixed at the last address listed for such owners in the County property tax records.

SECTION 14.5 FREESTANDING NON-CONCEALED WCF

14.5.1 Applicability

In addition to the general development standards listed in §14.3 and the general application requirements listed in §14.2 the following standards shall apply for all freestanding non-concealed wireless communications facilities.

14.5.2 Determination of Need

No new freestanding non-concealed WCF shall be permitted unless the applicant demonstrates that no existing structure can reasonably accommodate the applicant's proposed use; or that use of such existing facilities would prohibit personal wireless services in the geographic search ring to be served by the proposed antenna support structure.

14.5.3 Designed for Maximum Collocation

All new freestanding non-concealed WCF shall be designed for maximum collocation installations.

14.5.4 Designed for Non-Concealed Collocation

The following design types shall be used for applicable WCFs:

- 14.5.401 All new freestanding non-concealed WCFs of up to one hundred and ninety five feet (195') shall be of monopole design.
- 14.5.402 All new freestanding non-concealed WCF's up to eighty (80) feet in height shall be engineered and constructed to accommodate no less than two (2) antenna arrays.
- 14.5.403 All new freestanding non-concealed WCFs between eighty-one (81) feet and one hundred (100) feet shall be engineered and constructed to accommodate no less than three (3) antenna arrays.
- 14.5.404 All new freestanding non-concealed WCFs between one hundred and one (101) and one hundred and twenty-five (125) feet shall be engineered and constructed to accommodate no less than four (4) antenna arrays.
- 14.5.405 Where permitted, all new freestanding non-concealed WCFs greater than one-hundred and twenty-five (125) feet shall be engineered and constructed to accommodate no less than five (5) antenna arrays.

14.5.5 Minimum Lot Size

- 14.5.501 All new freestanding non-concealed WCFs shall meet minimum lot size standards of the underlying zoning district and subject to **Article 6** (Zoning Districts).

14.5.6 Visual Profile

- 14.5.601 New freestanding non-concealed WCFs antenna support structures shall be configured and located in a manner that shall minimize adverse effects including visual impacts on the landscape and adjacent properties.

14.5.7 Grading

- 14.5.701 Grading shall be minimized and limited only to the area necessary for the new freestanding non-concealed WCFs WCF as approved by the County.

14.5.8 Safety

14.5.801 All support structures shall be certified to comply with the safety standards contained in the Electronics Industries Association /Telecommunications Industries Association (EIA/TIA) document 222-F, or current standard, “Structural Standards For Steel Antenna Towers and Supporting Structures,” or current standard, as amended, by a Registered North Carolina Professional Engineer.

14.5.9 Setbacks

14.5.901 The following table outlines the required yard setbacks for a freestanding non-concealed and its equipment compound:

WCF Setbacks Table ¹	
Type of Setback	Freestanding Non-Concealed WCFs Setback Distance
From Lot Line	Height of Tower
From Public Road (Measured from Right-Of -Way)	500'
From Private Road Identified in the Moore County Road Name and Addressing Ordinance (Measured from centerline of driving surface)	500'
From Designated Structure and/or Designated Boundary (if any), whichever is closest to the proposed WCF of the following: The National Register of Historic Places, Properties determined eligible by procedures specified under the National Historic Preservation Act of 1966, The North Carolina State Historic Preservation Office Study List, Locally Zoned Historic District, Locally Designated Historic Landmark	2640'
Notes:	
1. All setbacks measured from the WCF tower.	
2. If the adjacent residential property is vacant and/or no residential structure is proposed (permitted) the height of the tower plus the underlying zoning district setbacks for principal structures applies.	

14.5.10 Landscaping Requirements

All non-concealed freestanding WCFs must comply with the following landscaping requirements:

- 14.5.1001 For towers one hundred fifty (150) feet or less in height, at least one (1) row of evergreen shrubs capable of forming a continuous hedge at least five (5) feet in height shall be provided with individual plantings spaced not more than five (5) feet apart and at least one (1) row of evergreen trees with a minimum caliper of one and three-fourths (1 3/4) inches at the time of planting and spaced not more than twenty-five (25) feet apart shall be provided within fifteen (15) feet of the perimeter of the setback area.
- 14.5.1002 For towers more than one hundred fifty (150) feet in height, in addition to the requirements for landscaping above, one (1) row of deciduous trees, with a minimum caliper of two and one-half (2 1/2) inches at time of planting and spaced no more than forty (40) feet apart shall be provided within twenty-five (25) feet of the perimeter of the setback area required by item **§14.5.1101**.
- 14.5.1003 In lieu of the above requirements, in special cases including, but not limited to, cases where a required tree would be closer to the tower than the height of the tree at maturity, the applicant may prepare a detailed plan and specifications for landscape and screening, including plantings, fences, walls, topography, etc., to screen the base of the tower and accessory uses. The plan shall accomplish the same degree of screening achieved in items **§14.5.1101** and **§14.5.1102** above but may deviate from the specific requirements set forth, and it shall be determined by the Planning Director that the public interest will be equally served by such plan.
- 14.5.1004 All required landscaping shall be installed according to established planting procedures using good quality plant materials.
- 14.5.1005 No certificate of occupancy shall be issued until the required landscaping is completed in accordance with the approved landscape plan as certified by an on-site inspection by the Planning Director and/or Zoning Administrator. When the occupancy of a structure is desired prior to the completions of the required landscaping, a certificate of occupancy shall be issued only if the owner or developer provides to the County a form of surety bond in an amount equal to the remaining plant materials, related materials and installation costs.
- 14.5.1006 All required landscaping must be installed and approved by the first planting season following issuance of the certificate of occupancy or the surety bond will be forfeited to the County.
- 14.5.1007 The owners and their agents shall be responsible for providing, protecting and maintaining all landscaping in healthy and growing conditions, replacing unhealthy or dead plant materials within one (1) year or by the next planting season, whichever comes first. Replacement material shall conform to the original intent of the landscape plan.

14.5.11 Height

The following are the height requirements for non-concealed freestanding WCF:

- 14.5.1101 In RA and B-1 zoning districts a maximum of one hundred and ninety five (195) feet shall be permitted.
- 14.5.1102 The maximum height in all other zoning districts shall be limited to a total of one hundred fifty (150) feet.
- 14.5.1103 The Moore County Board of Commissioners may permit a tower greater than that allowed within the applicable zoning district only if undisputable evidence is provided at application that the WCF service area will be so substantially compromised that there would be a requirement of additional WCFs within a distance of two (2) miles.
- 14.5.1104 If granted additional height considerations, the WCF shall be designed to allow for a future reduction of elevation to no more than one hundred and ninety five (195) feet, or the replacement of the WCF with a monopole type structure, at the sole discretion of the County.
- 14.5.1105 The height limit shall include above ground foundations, but exclude lightning rods or lights required by the FAA that do not provide any support for antennas.
- 14.5.1106 Any proposed tower over 200' in vertical height (measured from the top of the foundation to the uppermost point of the tower), which is located within five miles beyond the boundary of a military installation must receive endorsement from the Building Code Council or provide proof of the Council's failure to act within the time allowed. NCGS 143-151.75

14.5.12 Antenna Support Structure

Freestanding non-concealed WCFs shall be limited to a monopole type antenna support structure unless the applicant successfully demonstrates that such design is not feasible to accommodate the intended uses.

14.5.13 Neighborhood Meeting Required

- 14.5.1301 A neighborhood meeting shall be held to facilitate the exchange of information and solicit public input by and between the applicant, nearby landowners and other citizens prior to finalization of a zoning petition.
- 14.5.1302 At a minimum, the applicant shall make the preliminary concept plan(s) available for review, explain the general concept for the proposed telecommunications tower and provide time for open comment and questions.
- 14.5.1303 Notice of the neighborhood meeting shall be made by the applicant in accordance with the procedures for noticing public hearings as outlined below. The notice shall:

- State the date, time and place of the neighborhood meeting.
- Identify the property encompassing the proposed telecommunications tower
- Succinctly summarize the general intent or concept for the proposed telecommunications tower as currently contemplated by the applicant.

14.5.1304 Notice of any neighborhood meeting shall be sent by certified mail (return receipt requested) to the owners of all parcels of land adjacent to or abutting the site of the proposed telecommunications tower at the last address listed for such owners in the County property tax records.

14.5.1305 Notice to all other owners of properties within a one-quarter mile radius of the proposed telecommunication tower site shall be sent by first-class mail with proper postage affixed at the last address listed for such owners in the County property tax records.

SECTION 14.6 MITIGATION OF EXISTING FREESTANDING WCF

14.6.1 Applicability

In addition to the general development standards listed in §14.3 and the general application requirements listed in §14.2 the following standards shall apply for all mitigation of wireless communications facilities.

14.6.2 Determination of Need

WCF mitigation shall accomplish a minimum of one of the following: reduce the number of WCFs, replace an existing WCF with one that is less visually obtrusive, or replace an existing WCF with a new WCF to improve network functionality resulting in compliance with this Ordinance.

14.6.3 Designed for Maximum Collocation

All mitigated WCF shall be designed for maximum collocation installations.

14.6.4 Designed for Non-Concealed Collocation

The following design types shall be used for applicable WCFs:

- 14.6.401 All new freestanding WCFs of up to one hundred and ninety five feet (195') shall be of monopole design.
- 14.6.402 All WCF's up to eighty (80) feet in height shall be engineered and constructed to accommodate no less than two (2) antenna arrays.
- 14.6.403 All WCFs between eighty-one (81) feet and one hundred (100) feet shall be engineered and constructed to accommodate no less than three (3) antenna arrays.

14.6.404 All WCFs between one hundred and one (101) and one hundred and twenty-five (125) feet shall be engineered and constructed to accommodate no less than four (4) antenna arrays.

14.6.405 Where permitted, all WCFs greater than one-hundred and twenty-five (125) feet shall be engineered and constructed to accommodate no less than five (5) antenna arrays.

14.6.5 Minimum Lot Size

All mitigated WCFs shall meet minimum lot size standards of the underlying zoning district and subject to **Article 6** (Zoning Districts).

14.6.6 Visual Profile

New freestanding antenna support structures shall be configured and located in a manner that shall minimize adverse effects including visual impacts on the landscape and adjacent properties.

14.6.7 Grading

Grading shall be minimized and limited only to the area necessary for the new WCF as approved by the County.

14.6.8 Safety

All support structures shall be certified to comply with the safety standards contained in the Electronics Industries Association /Telecommunications Industries Association (EIA/TIA) document 222-F, or current standard, "Structural Standards For Steel Antenna Towers and Supporting Structures," or current standard, as amended, by a Registered North Carolina Professional Engineer.

14.6.9 Setbacks

A new WCF approved for mitigation of an existing WCF shall not be required to meet new setback standards so long as the new WCF and its equipment compound are no closer to any property lines than the WCF and equipment compound being mitigated. For example, if a new WCF is replacing an old one, the new one is allowed to have the same setbacks as the WCF being removed, even if the old one had nonconforming setbacks.

14.6.10 Landscaping Requirements

All mitigated WCFs must comply with the following landscaping requirements:

14.6.1001 For towers one hundred fifty (150) feet or less in height, at least one (1) row of evergreen shrubs capable of forming a continuous hedge at least five (5) feet in height shall be provided with individual plantings spaced not more than five (5) feet apart and at least one (1) row of evergreen trees with a minimum caliper of one and three-fourths (1 3/4) inches at the time of planting and spaced not more

than twenty-five (25) feet apart shall be provided within fifteen (15) feet of the perimeter of the setback area.

- 14.6.1002 For towers more than one hundred fifty (150) feet in height, in addition to the requirements for landscaping above, one (1) row of deciduous trees, with a minimum caliper of two and one-half (2 1/2) inches at time of planting and spaced no more than forty (40) feet apart shall be provided within twenty-five (25) feet of the perimeter of the setback area required by item §14.6.1101.
- 14.6.1003 In lieu of the above requirements, in special cases including, but not limited to, cases where a required tree would be closer to the tower than the height of the tree at maturity, the applicant may prepare a detailed plan and specifications for landscape and screening, including plantings, fences, walls, topography, etc., to screen the base of the tower and accessory uses. The plan shall accomplish the same degree of screening achieved in items §14.6.1101 and §14.6.1102 above but may deviate from the specific requirements set forth, and it shall be determined by the Planning Director that the public interest will be equally served by such plan.
- 14.6.1004 All required landscaping shall be installed according to established planting procedures using good quality plant materials.
- 14.6.1005 No certificate of occupancy shall be issued until the required landscaping is completed in accordance with the approved landscape plan as certified by an on-site inspection by the Planning Director and/or Zoning Administrator. When the occupancy of a structure is desired prior to the completions of the required landscaping, a certificate of occupancy shall be issued only if the owner or developer provides to the County a form of surety bond in an amount equal to the remaining plant materials, related materials and installation costs.
- 14.6.1006 All required landscaping must be installed and approved by the first planting season following issuance of the certificate of occupancy or the surety bond will be forfeited to the County.
- 14.6.1007 The owners and their agents shall be responsible for providing, protecting and maintaining all landscaping in healthy and growing conditions, replacing unhealthy or dead plant materials within one (1) year or by the next planting season, whichever comes first. Replacement material shall conform to the original intent of the landscape plan.

14.6.11 Height

The height of a WCF approved for mitigation shall not exceed one hundred and fifteen (115) percent of the height of the tallest WCF that is being mitigated up to a maximum of one hundred and ninety five (195) feet.

14.6.12 Neighborhood Meeting Required

- 14.6.1201 A neighborhood meeting shall be held to facilitate the exchange of information and solicit public input by and between the applicant, nearby landowners and other citizens prior to finalization of a zoning petition.
- 14.6.1202 At a minimum, the applicant shall make the preliminary concept plan(s) available for review, explain the general concept for the proposed telecommunications tower and provide time for open comment and questions.
- 14.6.1203 Notice of the neighborhood meeting shall be made by the applicant in accordance with the procedures for noticing public hearings as outlined below. The notice shall:
- State the date, time and place of the neighborhood meeting.
 - Identify the property encompassing the proposed telecommunications tower
 - Succinctly summarize the general intent or concept for the proposed telecommunications tower as currently contemplated by the applicant.
- 14.6.1204 Notice of any neighborhood meeting shall be sent by certified mail (return receipt requested) to the owners of all parcels of land adjacent to or abutting the site of the proposed telecommunications tower at the last address listed for such owners in the County property tax records.
- 14.6.1205 Notice to all other owners of properties within a one-quarter mile radius of the proposed telecommunication tower site shall be sent by first-class mail with proper postage affixed at the last address listed for such owners in the County property tax records.

SECTION 14.7 ATTACHED WIRELESS COMMUNICATIONS FACILITIES

14.7.1 Applicability

In addition to the general development standards listed in §14.3 and the general submittal requirements listed in §14.2 the following standards shall apply for all attached wireless communications facilities.

14.7.2 Height

- 14.7.201 In the event that an existing structure (other than a wireless communication tower) is proposed as a mount for a wireless communication facility, the height of the original structure shall not be increased by more than fifteen (15) feet above the highest point of a flat or mansard roof or fifteen (15) feet above the height at the midpoint between the peak and the eave of other roof styles, unless the facility is completely camouflaged (for example, a facility within a flag pole, steeple or chimney).

- 14.7.202 Any increase in height shall be in scale and proportionality to the structure as originally configured.
- 14.7.203 A provider may locate a wireless communication facility on a building that is legally non-conforming with respect to height, provided that the provisions of this section are met.

14.7.3 Locations

- 14.7.301 Attached concealed and non-concealed WCFs shall only be allowed on structures where the applicant has an agreement with the applicable utility or other authority that exercises jurisdiction over the subject right of way, on electrical distribution poles, transmission towers, and existing ball park light poles greater than fifty (50) feet in height, subject to approval of the County and/or the utility company.
- 14.7.302 Attached non-concealed WCFs may only be allowed on existing non-concealed antenna support structures.

14.7.4 Setbacks

- 14.7.401 An attached WCF and its equipment compound shall be subject to the setbacks of the underlying zoning district.
- 14.7.402 Antennas may extend a maximum of 30 inches into the setback. However no antenna or portion of any structure shall extend into any easement.

14.7.5 Visual Profile

Feed lines and antennas shall be designed to architecturally match the façade, roof, wall, or structure on which they are affixed so that they blend with the existing structural design, color, and texture.

14.7.6 Equipment compound or cabinets

Equipment compounds or cabinets for WCFs under this subsection shall be designed and located in such a manner as to not interfere with the subject right of way or its primary utilization.

SECTION 14.8 COLLOCATED AND COMBINED WCF

14.8.1 Applicability

In addition to the general development standards listed in §14.3 and the general application requirements listed in §14.2 the following standards shall apply for all collocated and combined wireless communications facilities.

14.8.2 Height

- 14.8.201 A collocated or combined WCF shall not increase the height of an existing antenna support structure by the greater of more than ten percent (10%) or the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet.

14.8.3 Setbacks

- 14.8.301 A collocated or combined WCF, its equipment compound, and any ancillary equipment shall be subject to the setbacks of the underlying zoning district.
- 14.8.302 When a collocated or combined WCF is to be located on a nonconforming building or structure, then the existing setbacks of the nonconforming structure shall prevail.

14.8.4 Visibility

- 14.8.401 New antenna shall be flush-mounted onto existing WCFs, unless it is demonstrated through RF propagation analysis that flush-mounted antennas will not meet the network objectives of the desired coverage area.

14.8.5 Equipment Compound Expansion For Collocations

- 14.8.501 Existing equipment compounds may be increased by a maximum of 2,500 square feet from the previously approved equipment compound footprint for any collocation and shall also meet the requirements of §14.3.8 (Equipment Compounds).

SECTION 14.9 ANTENNA ELEMENT REPLACEMENT AND EXPANSION

14.9.1 Applicability

- 14.9.101 Antenna Element Replacement shall mean the replacement of any or all of an antenna or antenna array with a model of the same manufacturer and model type or close specification.
- 14.9.102 Expansion of an Existing Antenna Array shall mean the addition of an antenna or antenna array with a new manufacturer and/or model type and/or increases the bandwidth of the antenna or antenna array.

14.9.2 Development Standards

- 14.9.201 Any repair or replacement of an existing antenna or antenna array with another of like manufacturer model, type, and number, and which will not alter the structural integrity of the support structure, in any way, or alter the ANSI standards regarding radiation exposure shall be exempted from further review provided that a notarized certification shall be submitted by a qualified technician stating that the

replacement will not alter the structural integrity of the support structure, and that any changes will not affect electrical specifications.

- 14.9.202 Any repair or replacement of an existing antenna or antenna array on a WCF that changes the mechanical specifications and/or that increases the number and/or size of feed lines and/or equipment cabinets of the existing WCF will be treated as a new collocation.

SECTION 14.10 APPROVAL PROCESS

14.10.1 General Information for WCF Approval Process

All approvals are subject to the review processes outlined in the **Article 3**. Additionally, in accordance with the table in **§14.3.1** (Permitted Uses by Zoning District), the following approval process shall apply.

14.10.2 New WCFs and Antenna Element Replacements

- 14.10.201 Any application submitted pursuant to this section shall be reviewed by County staff for completeness. If any required item fails to be submitted, the application shall be deemed incomplete. Staff shall advise an applicant in writing within twenty (20) business days after submittal of an application regarding the completeness of the application. If the application is incomplete, such notice shall set forth the missing items or deficiencies in the application, which the applicant must correct and/or submit in order for the application to be deemed complete.
- 14.10.202 Within twenty (20) days of receiving a timely response from an interested potential co-applicant, the applicant shall inform the respondent and the County in writing as to whether or not the potential collocation or combining is acceptable and under what conditions. If the collocation or combining is not acceptable, then the applicant must provide the respondent and the County written justification as to why the collocation or combining is not feasible.

14.10.3 Supplemental Review

The County reserves the right to require a supplemental review for any type of WCF, as determined necessary, subject to the following:

- 14.10.301 Where due to the complexity of the methodology or analysis required to review an application for a wireless communication facility, the County may require the applicant to pay for a technical review by a third party expert, the costs of which shall be borne by the applicant and be in addition to other applicable fees.
- 14.10.302 The applicant shall submit as published in the County's current fee schedule.
- 14.10.303 Based on the results of the expert review, the approving authority may require changes to the applicant's application or submittals.

14.10.304 The supplemental review may address any or all of the following:

- The accuracy and completeness of the application and accompanying documentation.
- The applicability of analysis techniques and methodologies.
- The validity of conclusions reached.
- Whether the proposed wireless communications facility complies with the applicable approval criteria set forth in this Ordinance.
- Other recommendations deemed by the County to be relevant to determining whether a proposed wireless communications facility complies with the provisions of these codes.

SECTION 14.11 BIENNIAL OPERATING PERMITS

14.11.1 Biennial Operating Permit Required

- 14.11.101 A biennial wireless communication facility operating permit shall be required for each freestanding wireless communication facility within the jurisdiction of this Ordinance.
- 14.11.102 Persons operating wireless communication facilities on the effective date of this Ordinance shall comply with this permit requirement.
- 14.11.102 Applications for a biennial wireless communication facility operating permit shall include such technical information about the facility as the Ordinance Administrator or his/her agent(s) deems reasonable and appropriate.
- 14.11.103 Such information shall be in a form designated by the Ordinance Administrator or his/her agent(s).

14.11.2 Applicant's Certifications

Before a biennial wireless telecommunication facility operating permit shall be issued or renewed, the applicant must certify that:

- 14.11.201 It currently holds a FCC license to provide commercial wireless services and that such license is in good standing or, if the permittee is not a FCC licensee, that the license of each of its FCC tenants is in good standing.
- 14.11.202 The wireless communication facility continues to be operated by the applicant and that it has a continuing need for the facility to meet the requirements of its FCC license.
- 14.11.203 That the facility complies with all FCC rules and regulations currently in effect relating to environmental effects of electromagnetic radiation;
- 14.11.204 That the facility as currently constructed, maintained or operated is in compliance with all FAA rules and regulations.

- 14.11.205 That the applicant currently has liability insurance in force covering the wireless communication facility in an amount deemed necessary by this Ordinance, and amendments thereto.
- 14.11.206 That the applicant has not constructed, or modified any wireless communication facility on or after the effective date of this Ordinance without the approval of Moore County or, if it has done so, that it has ceased operating and has removed all aboveground portions of such facilities (not including any part of the foundation).
- 14.11.207 That any bond or other security to secure removal of the wireless communication facility remains in full force and effect and that the applicant is in full compliance with §14.3.10 (Abandonment).

14.11.3 Biennial Operating Permit Fee

Payment of a nonrefundable fee as established by the Board of County Commissioners per the fee schedule shall be required before a biennial wireless communication facility operating permit shall be issued.

- 14.11.301 The Biennial Operating Permit Fee may be adjusted from time to time by resolution of the Board of Commissioners.
- 14.11.302 Permits shall be issued for 2 year periods first beginning in January, 1999. Permits shall then be applied for every other January.
- 14.11.303 Permit fees shall not be pro-rated.
- 14.11.304 Private business users operating a single wireless communication facility at their place of business and governmental users are exempt from the fee.

