



## Rowan County Planning and Development Department

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### MEMORANDUM

To: Chairman Edds and Board of Commissioners  
From: Ed Muire, Rowan County Planning Director  
RE: **ZTA 01-22 Text Amendment Adoption**  
Date: June 9, 2022

#### ADOPTION

Per Section 2-227 of the Rowan County Code of Ordinances, "If the proposed measure (*ordinance or amendment*) is approved by a majority but not by all the members of the board, ... it shall be considered at the next regular meeting of the board."

Given only four (4) Commissioners were in attendance for the June 6, 2022 meeting, the ZTA 01-22 text needs to be considered at the next (June 20, 2022) Commission meeting.

#### REQUEST

**ZTA 01-22** is a text amendment application (attached) submitted by Attorney Toby R. Coleman on behalf of Duke Energy Carolinas, LLC. The proposed amendment would establish use of a "utility wireless support structure" for sole use by an electric utility on utility owned land for purposes of monitoring their site (i.e. substation) and communicating with other similar sites and facilities.

#### CONTENT

The requirements for a utility wireless support structure would be contained in Section 21-56 of the Zoning Ordinance as a Special Requirement (SR). Uses in this section may be approved administratively provided the SR items are satisfied.

A new subsection (g) is proposed to address these uses and is outlined below:

g. Utility Wireless Support Structure. In order to maintain the operation of the electric power grid and *utility pipelines* for the welfare and safety of the public, electric *and public service* utility providers must be able to remotely monitor their key facilities, including electrical substations, *pipelines, etc.* *New* utility wireless support structures may be evaluated in all zoning districts and approved administratively, provided the following SR are met:

1. The utility wireless support structure may only be for use by the electric *or public service* utility provider.
2. Two (2) copies of a site plan prepared by a registered professional engineer or a professional land surveyor as provided in section 21-52 including information in 21-60(4)a.1.i.

3. Documentation substantiating the owner and applicant for the utility wireless support structure is an electric *or public service* utility provider.
4. Fall zone certification from an NC Registered Professional Engineer in compliance with Section 21-60(4) (c).
5. No Hazard to Air Navigation determination from the Federal Aviation Administration (FAA) and No Adverse Effect determination from the NC State Historic Preservation Office (NCSHPO). Both determinations must be dated within twelve (12) months of the utility tower application submittal.
6. The utility wireless support structure *shall* be a monopole not to exceed one hundred fifty (150) feet. *Height extensions up to one hundred ninety-nine (199) feet in the Rural Agricultural (RA), Rural Residential (RR) and Neighborhood Business (NB); and two hundred fifty (250) feet in the Commercial, Business, Industrial (CBI), Industrial (IND) and the 85-ED districts may be considered as a special use subject to the process outlined in Section 21-57 through 21-59 if all other standards in this subsection are met.*
7. *An existing wireless support structure may be used to accommodate the related wireless facilities associated with the electric or public service utility as provided in Section 21-56(6)d. However, use of a utility wireless support structure to accommodate wireless facilities shall be subject to the requirements of Section 21-60(4).*

Changes to Section 21-113 Table of Uses would reflect the SR allowance of these structures in all zoning districts.

| P- Permitted by Right<br>P(A) - Permitted as Accessory Use<br>SR - Permitted with Special Requirements<br>S - Special Use<br>CD – Conditional District |  | Zoning Districts |           |           |           |           |                |           |           |           |
|--|--|------------------|-----------|-----------|-----------|-----------|----------------|-----------|-----------|-----------|
|  |  | Residential      |           |           |           |           | Nonresidential |           |           |           |
| Use  |  | RA               | RR        | RS        | MHP       | MFR       | CBI            | NB        | INST      | IND       |
| Transportation, communications, electric, gas and sanitary services  |  |                  |           |           |           |           |                |           |           |           |
| 48   | Communications, <i>all except</i>                |                  |           |           |           |           | P              |           |           | P         |
|  | Transmission tower & Wireless support structures | S                | S         |           |           |           | S              | S         |           | S         |
|  | Co-location of wireless facilities               | SR               | SR        | SR        | SR        | SR        | SR             | SR        | SR        | SR        |
|  | Eligible facilities request                      | SR               | SR        | SR        | SR        | SR        | SR             | SR        | SR        | SR        |
|  | Alternative tower structures                     | SR               | SR        | SR        | SR        | SR        | SR             | SR        | SR        | SR        |
|  | Public safety tower                              | SR               | SR        | SR        | SR        | SR        | SR             | SR        | SR        | SR        |
|  | <i>Utility Wireless Support Structure</i>        | <i>SR</i>        | <i>SR</i> | <i>SR</i> | <i>SR</i> | <i>SR</i> | <i>SR</i>      | <i>SR</i> | <i>SR</i> | <i>SR</i> |
| 4832   | Radio broadcast towers                           | S                |           |           |           |           |                |           |           |           |
| 4833   | Television broadcast towers                      | S                |           |           |           |           |                |           |           |           |

Staff has proposed a definition for these structures to include in Section 21-4 Definitions.

*Utility wireless support structure means a new monopole tower that is designed to support or capable of supporting a proprietary wireless facility used solely by a public service utility.*

Establishing the use as an SR also made it subject to the locational standards in Section 21-53 and Staff has proposed to exempt them along with other similar uses via the bold italicized text below:

- (2) *Specific criteria for uses listed as SR.* The SR standards required in Section 21-55 do not apply to uses in the residential group from 21-113; Common Sand Mining (SIC 1442); Dead storage of manufactured homes (SIC 42); Co-location of wireless facilities, eligible facilities requests, alternative tower structures, ~~and~~ public safety tower ***and utility wireless support structures*** (SIC 48 (pt)); and uses listed as SR in non-residential districts.

#### **Statement of Consistency**

*ZTA 01-22 is reasonable, appropriate and necessary to meet the needs of public service utilities for the installation of communication equipment to monitor their facilities. As these utility wireless support structures were not deemed an exception or modification provided in Section 21-277 of the Rowan County Zoning Ordinance, the proposed Special Requirements (SR) provide general standards to ensure the use is governed appropriately in all zoning districts.*