

Article 13. TELECOMMUNICATION TOWERS

Section 13-1: Purpose

The purpose of this section is to establish a framework within which to better understand telecommunication towers. To this end, it has been established that various types of towers are available and co-location is highly advantageous.

Section 13-2: Applicability

This section shall apply to all telecommunication towers locating within the planning and zoning jurisdiction of the Town of Ayden after the effective date of passage of this Ordinance.

Section 13-3: Where Permitted

Telecommunication towers shall be a conditional use in the zoning districts listed in the Table of Permitted Uses. Transmission towers may be sited on any held tract of land exceeding one-half (½) acre in size. The site shall be fenced with an eight (8) foot high fence, landscaped, and buffered (see Article 11, Buffer Strips and Landscaping). A Conditional Use Permit granted by the Town of Ayden Board of Commissioners shall be required.

Towers may be erected on an existing building, a town-owned tower, or on town property with town approval without a Conditional Use Permit being issued. The tower shall not exceed forty (40) feet in height. Towers shall be permitted on all government facilities and structures in all zoning districts.

Section 13-4: Type of Tower

In permitted districts either a lattice tower or monopole tower is allowed. The Board of Commissioners will carefully consider the advantages and disadvantages prior to a final decision. Any erected tower should be of a neutral color. Tower manufacturers shall be required to provide evidence of the self-collapsing features of any tower erected.

Section 13-5: Co-Location and Height Stipulations

- (A) As part of the permit requirement co-location is mandatory unless the applicant can clearly show that such a requirement can not adequately meet the projected customer needs.
- (B) As part of the permit requirement the owner(s) of the tower agrees to allow for the co-location of additional antennas at a reasonable lease rate in the future. If a lease agreement cannot be reached by the parties involved, mediation of a third party shall

be attempted. In the event that mediation fails, a court of competent jurisdiction shall determine the appropriate action.

- (C) For the purpose of co-location, all towers to be constructed shall be able to accommodate a minimum of (2) cellular antennas and at least one personal communication system antenna.
- (D) When co-location occurs, there is no necessity for an otherwise required Conditional Use Permit.
- (E) The Town of Ayden reserves the right to enter into negotiations with the owner of any tower for the purpose of municipal use.
- (F) Height of the structure shall be limited to a maximum of two hundred (200) feet in all districts. Maximum height on any structure will be forty (40) feet.

Section 13-6: Supplemental Use of Towers

- (A) Adequate provisions by the carrier shall be made to ensure that the placement of transmitters for emergency services is made available.
- (B) No commercial messages shall be placed on any tower.

Section 13-7: Old Towers and Advanced Technology

- (A) Abandoned towers (those not used for a period of six months or more) shall be removed by carriers.
- (B) Should technology changes render the height of the tower excessive, the Administrator may require that the tower be reduced in height, replaced, or removed.

Section 13-8: Power Output

It shall be the carrier's responsibility to present evidence that the power output from the tower does not exceed federally approved levels for exposure for electromagnetic forces.

Section 13-9: Periodic Review of Permits

The conditional use permit for the operation of a tower shall be for a period not to exceed seven years. At the end of each permit period, the tower owner(s) shall submit to the Planning Board designated technical and market information documenting the continued need for the tower and the lowest feasible tower height. If this tower height is seventy (70) percent or less of the existing height of the tower, the owner shall be required to reduce the tower height to the lower height.

Section 13-10: Setbacks

All telecommunication towers must have setbacks from all property lines of at least one (1) foot for every foot of structure height.