

**A RESOLUTION TO AMEND THE WILSON COUNTY ZONING ORDINANCE AND CHANGE Article 3 General Provisions - Section 3.20.06- RADIO, CELL TOWER & TELECOMMUNICATIONS POLICY WHERE IT APPEARS WITHIN THE ZONING ORDINANCE.**

**WHEREAS**, Wilson County Government seeks to protect the general health, safety, and welfare of the public at large, and;

**WHEREAS**, the current version of the Wilson County Zoning Resolution was passed and adopted in January 22, 1990 for the purposes of carrying out the above stated intent, and;

**WHEREAS**, the current Zoning Resolution went into effect on March 5, 1990, and;

**WHEREAS**, the need has arisen for clarification and additional definition regarding accessory structure height, and;

**WHEREAS**, a public hearing was held before the County Commission on \_\_\_\_\_ regarding this matter;

**NOW THEREFORE BE IT RESOLVED** that the following section and related amendments be amended to the Wilson County Zoning Resolution as follows:

**Under Article 3 General Provisions - Section 3.20.06- Radio, Cell Tower & Telecommunications Policy, Add the following language indicated in Bold, underlined italics:**

- A. Applicant shall provide written evidence that they have investigated co-location on an existing tower within **two miles** of the proposed site. New towers shall not be permitted unless the applicant demonstrates to the reasonable satisfaction of the governing authority that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence to the effect may consist of the following:
1. No existing towers or structures are located within the geographic area required to meet the applicant's engineering requirements.
  2. Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.
  3. Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.
  4. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing tower.
  5. Applicant is unable to work out an acceptable agreement to co-locate.

- B. 1. Applicant shall provide written evidence that any construction or alteration of more than 200 feet in height above the ground level at its site complies with all FAA requirements.
2. Applicant shall provide written evidence that any construction or alteration of greater height than an imaginary surface extending outward and upward at one of the following slopes meets all applicable FAA requirements:
- a. 100 to 1 for a horizontal distance of 20,000 feet from the nearest point of the nearest runway of each airport in or near, Wilson County, excluding heliports.
  - b. 25 to 1 for a horizontal distance of 5,000 feet from the nearest point of the nearest landing and takeoff area of each heliport in or near Wilson County.
- C. Applicant shall provide room for vehicles doing maintenance to maneuver on the property.
- D. On-site buildings shall only be used for the storage of necessary on-site equipment. Offices shall be prohibited on the same site as a tower, unless permitted on the same site in that zoning district.
- E. Provide survey distance to residences on adjoining property.
- F. Provide visual assessment by balloon with photo imagery of what structure will look like no less than two prominent off-site vantage points on the north, south, east and west. Provide map of these locations for reference as well
- G. Provide language confirming tower structures will be removed if no longer in active use for telecommunications purposes or other viable use as accepted by the Board of Zoning Appeals at the tower owners expense. State law notwithstanding said removal will be required no later than 12 months after active use has ceased.
- H. In an effort to encompass potential hazards of a tower collapse through such forces as wind shear or tornado, a utility lot that encompasses 1.5 times the total height of any proposed tower must be created by subdivision plat using the provision for an unmanned utility lot prior to site plan approval. Lot size limitations and/or easement size limitations outlined in Article 3.20.05, for unmanned utility uses under paragraph A, shall not apply to telecommunication tower sites. The provisions of this paragraph shall be used instead.***
- I. If certain regulations in the Wilson County Zoning Ordinance are found to imply different requirements regarding telecommunications facilities, then the stricter of or more stringent the regulations shall apply.
- J. The Wilson County Board of Zoning Appeals and Wilson County Planning Commission may consider stealth type installation within church steeple on top of governmental buildings and other similar co-use installation sites on a case by case basis. Fall zone criteria may be modified in relation to these types of installation however distance to property line requirements stated in H above will be complied with.

- K. For Any Tower or Antenna requiring Federal Aviation Administration or Federal Communications Commission (FAA/FCC) lighting beacons; generally any tower above 200feet in height from the earth's surface and any tower within the flight path of an FAA approved aircraft landing approach zone associated with an FAA permitted and approved aircraft landing strip, FAA permitted and approved Helipad, or FAA permitted and approved Airport runway; the applicant shall be required to apply for a Special Exception, Use Permissible Upon Appeal to be heard and considered by the Wilson County Board of Zoning Appeals. A Public Hearing will be held at the Board of Zoning Appeals on the request for Special Exception Use Permissible Upon Appeal. After hearing from any interested parties from the public and the applicants, the Board shall consider and take action upon such request.*
- L. For any tower NOT requiring FAA/FCC lighting beacons, the Wilson County Zoning Administrator, with the assistance of Planning Department and County Engineering Staff, shall evaluate such requests for compliance with the Telecommunications related requirements outlined above in Section 3.20.06 Items A-H and for compliance with Site Plan requirements as outlined in Section 6.20.25. Based upon this evaluation, the County Building Inspector (Wilson County Zoning Administrator) shall have authority to administratively issue zoning approval and subsequent building permits for these facilities when found to be compliant with Section 3.20.06 and Section 6.20.25, and other pertinent portions of the zoning resolution. As with the remainder of the Wilson County Zoning resolution, any applicant aggrieved with the determination of the Building Inspector (Zoning Administrator) may apply for hearing of their grievance to the Board of Zoning Appeals within (45) forty five days.*
- M. Retention of Expert Assistance and Reimbursement by the Applicant:*
- i): The County may hire any consultant and/or expert necessary to assist the County in reviewing and evaluating the application, including any plans for the construction and modification of a site, and any site inspections. The County may refer any application or part thereof to any advisory or other committee for a non-binding recommendation. The consultant's opinion is merely a recommendation and as such is not binding in any way on the governmental body tasked with making the final determination.*
- ii): The applicant will be assessed a fee by Wilson County before any final decision is reached in an amount sufficient to reimburse the County for all reasonable costs of consultant and expert evaluation and consultation to the County in connection with the review of any application.*
- iii): The total amount of the funds needed as set forth in Subsection (ii) of this Section may vary with the scope and complexity of the project, the completeness of the application and other information as may be needed to complete the necessary review, analysis, and inspection of any construction or modification.*

**N. Performance Security – Surety Requirement:**

**In an effort to insure removal of obsolete structures and non-functioning structures, as well as, to insure continued compliance with the requirements of the Wilson County Zoning resolution;**

- i) The applicant and the owner of record of any proposed wireless telecommunications facilities not in existence at the time of adoption of this Ordinance shall, at its cost and expense, be required to execute and file with the County a bond, or other form of security acceptable to the County as to type of security and the form and manner of execution, in an amount of at least \$75,000 for a tower facility to assure the faithful performance of the terms and conditions of this Ordinance and conditions of any Zoning Certificate issued pursuant to this Ordinance.**
- ii) The full amount of the bond or security shall remain in full force and effect throughout the term of the Zoning Certificate and/or until any necessary site restoration is completed to restore the site to a condition comparable to that which existed prior to the issuance of the original Zoning Certificate.**

**SECTION 4:**

After each relocation, deletion, or addition to the zoning resolution; insert the following language:

**Revised** (insert approval date), **Resolution** (insert resolution #).

**SECTION 5:**

If any part of this resolution is deemed to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this regulation which is not of itself invalid or unconstitutional.

**SECTION 6:**

The above listed amendments shall take effect upon approval of this amendment; the general welfare of the public requiring it. No part of this regulation shall have any impact on pre-existing use on appeal approvals. The Regulations in place at the time of approval of such activities shall take precedent.

Date of Approval: \_\_\_\_\_ 06.15.2015 \_\_\_\_\_

Jerry McFarland \_\_\_\_\_  
SPONSOR