

Instructions

1. Review Ordinance regulations for this use.
2. Complete **all sheets** of this Zoning Use Permit Application.
3. Use the approved land development plans to add the location of the Commercial Communication Tower. Attach detailed drawings of structure.
4. Email this application to permits@huntersville.org.
5. Submit the review fee through the Planning and Zoning Fees Form (www.huntersville.org).

Ordinance

Article 9.9 Commercial Communication Tower

A Commercial Communication tower shall meet the following standards:

1. To encourage future shared use of commercial communication towers, the tower owner must demonstrate that the tower will support a specified number of antennas, and must file a letter of intent with the town to lease the space to other users in good faith. In turn, the owner may charge users a proportionate share of capital, financing, and operating costs, plus the cost of insulating equipment so that the transmissions do not interfere with one another. To encourage co-location of commercial communication antenna and facilities and to reduce the need for new commercial communication towers, co-location of such antennae and facilities shall be permitted on any commercial communication tower or tower for radio communication for business or governmental purposes of which the tower was in existence on July 20, 2009, regardless of when it was constructed, the underlying zoning district, or any condition of approval for the existing tower other than a condition which was imposed or accepted by the Board of Commissioners. To the extent practical as determined by the Planning Director, all standards of this Section 9.9 shall be applicable.
- .2 No new commercial communication tower may be established if there is a technically suitable space available on an existing communications tower within the geographic area that the proposed tower is to serve.
- .3 The entire facility must be aesthetically compatible with its environment. If not otherwise camouflaged, towers shall be of a coloration that will blend with the surroundings. Example: brown/green/gray.
- .4 Fencing must be provided to secure the communication equipment on site. If chain link or similar fencing material is used on the site, an opaque screen shall be provided on the exterior side of the fence.
- .5 All obsolete or unused facilities must be removed within 12 months of cessation of operations at the site.
- .6 No equipment, mobile or immobile, not used in direct support of the transmission or relay facility shall be stored or parked on the site unless repairs to the facility are being made.
- .7 Towers shall not be artificially lighted except to insure human safety as required by the Federal Aviation Administration (FAA) regulations. To the extent possible, tower lighting shall be located and directed to avoid flashing or shining into the interior spaces of dwellings.
- .8 An opaque screen expected to reach minimum 8' height at maturity shall be planted around the perimeter of the area occupied by the tower, security fencing, and auxiliary uses such as parking. In addition, existing onsite trees and other vegetation shall be preserved to the extent possible.
- .9 No more than one communication tower shall be constructed on a single tract of land.
- .10 If such a structure is located on a lot adjacent to a lot or lots located in a residential or mixed use district, it must be located at least 200 feet from all property lines adjacent to the residential or mixed use district(s).

- .11 To be permitted as an incidental accessory use in any zoning district, a tower shall be camouflaged on, with, or in an existing or proposed conforming structure (e.g., inside religious institution steeple, on utility transmission line tower). A detailed site plan and structural elevations must be submitted to the Planning Department for approval. The affirmative decision of the Planning Department shall be based upon a determination that the proposed tower is so camouflaged as to be unnoticeable to the public; or if placed upon a utility transmission line tower, that the additional equipment would not further diminish the quality of the view from surrounding properties and public streets, nor would additional light(s) intrude upon the private interior or exterior living areas of existing dwellings.
- .12 Commercial Communication Towers in addition to meeting criteria 9.9.1-10 may be allowed in the Rural (R) district only if they meet the following criteria and are subject to a Special Use Permit, according to the procedures of Section 11.4.10:
 - a. The height of the commercial communication tower may not exceed 199 feet above ground level;
 - b. The commercial communication tower may only be placed on properties in eight and a half (8.5) acres on a tract that existed as an eight and a half (8.5) acre tract or greater on February 6, 2012;
 - c. The commercial communication tower must be set back a distance of at least 500 feet from any public right-of-way and 200 feet from any property line;
 - d. The commercial communication tower may only be placed on a property where it will not require artificial illumination;
 - e. The commercial communication tower must provide technically-suitable space for at least four (4) users;
 - f. The commercial communication tower must be set back a distance of at least the tower's fall zone, as certified by a North Carolina Professional Engineer, from any occupied structure.
 - g. All commercial communication towers in the Rural district shall be constructed using a monopole design.
 - h. A new communication tower cannot be placed within a one mile radius of an existing tower.

Zoning Use Permit Application

Property Address/Use

Street #	N, S, E, W	Street Name	AV, RD, ST, etc.	Suite
_____	_____	_____	_____	_____

Project/Subdivision Name: _____ **Phase:** _____ **Section:** _____

Current Property Use: _____ **If Commercial, specify (restaurant, office, etc.):** _____

Proposed Property Use: _____ **If Other, specify:** _____

Description of Proposed Use: _____

Applicant

By signature below, I hereby acknowledge, as/on behalf of (circle one) the applicant the use will comply with all regulations related to the above use as indicated within the Town of Huntersville Zoning Ordinance.

Printed Name of Applicant _____

Corporation LLC Trust Partnership Individual – Property Owner Other: _____

Phone _____ Email _____

Signature _____ Date _____

CEO President Vice-President Individual – Homeowner Manager Other: _____

Property Owner (if different than applicant)

By signature below, I hereby acknowledge, as/on behalf of (circle one) the property owner 1) the use will comply with all regulations related to the above use as indicated within the Town of Huntersville Zoning Ordinance and 2) and hereby grants permission to the Town of Huntersville personnel to enter the subject property for any purpose required in processing this application.

Printed Name of Property Owner _____

Corporation LLC Trust Partnership Individual – Property Owner Other: _____

Signature _____ Date _____

CEO President Vice-President Individual – Property Owner Manager Other: _____

Phone _____ Email _____

Address of Property Owner _____

If signed by an agent on behalf of the Owner, this application **MUST** be accompanied by a notarized Limited Power of Attorney signed by the property owner (s), specifically authorizing the agent to act on the owner (s) behalf in signing this application. Failure of each owner, or their duly authorized agent, to sign, or failure to include the authority of the agent signed by the property owner, will result in an **INVALID APPLICATION**. **If additional space is needed for signatures, attach the Town of Huntersville Signature Addendum Form.**