LEE COUNTY BOARD OF ADJUSTMENT
SPECIAL CALLED MEETING*
MONDAY, JULY 22, 2018, 6:00 PM
Buggy Company Bldg., 115 Chatham St. – 1st Floor, Buggy Conference Room

*This meeting replaces the July 8th regularly scheduled meeting that was cancelled due to the applicant being unable to attend because of airline delays. The agenda content is the same.

All exterior doors for the Buggy Company Building automatically lock at 5:00pm with the exception of the ground floor level entrance. Therefore, please park in the large parking area at the rear of the building, enter the building via the ground floor level entrance and take the elevator to the first floor. The Buggy Conference Room is on your left when you exit the elevator.

CALL TO ORDER – 6:00 PM.

A. APPROVAL OF AGENDA (No minutes included within this agenda)
B. DISCLOSURE OF CONFLICT OF INTEREST
C. ELECTION OF A CHAIR & VICE-CHAIR (Members list included in agenda)
D. OLD BUSINESS (None)
E. NEW BUSINESS

1. Application by Faulk & Foster for Verizon Wireless to obtain a Special Use Permit for a proposed telecommunications tower to be located on a 49.8 +/- acre vacant tract of land located in the northeastern quadrant of the US Hwy 421 Bypass and Rice Road intersection and addressed as 2031/2035 Rice Road on land owned by Gary M. Thomas and Pamela D. Thomas. The site is located within the unincorporated area of Lee County and is zoned Residential Agricultural (RA). Per the Unified Development Ordinance (UDO), Article 4 Zoning District Regulations, Section 4.6 Use Regulations, Table 4.6-1 Permitted Use Matrix, a new telecommunications tower is permitted in the Residential Agricultural (RA) zoning district upon issuance of a Special Use Permit, subject to Article 5 Supplemental Development Regulations, Section 5.33 Telecommunications Towers. The property is the same as depicted on Lee County Tax Maps 9662.02, 9662.01, and 9662.04 as Tax Parcel 9662-55-4654-00, Lee County Land Records.

F. OTHER BUSINESS
G. ADJOURNMENT

** PLEASE REFERENCE THE ADDITIONAL INFORMATION PROVIDED AT THE REAR OF THE AGENDA PACKAGE**
CALL TO ORDER – 6:00 PM.

A. APPROVAL OF AGENDA  (No minutes included within this agenda)
B. DISCLOSURE OF CONFLICT OF INTEREST
C. ELECTION OF A CHAIR & VICE-CHAIR  (Members list included in agenda)
D. OLD BUSINESS  (None)
E. NEW BUSINESS

1. Application by Faulk & Foster for Verizon Wireless to obtain a Special Use Permit for a proposed telecommunications tower to be located on a 49.8 +/- acre vacant tract of land located in the northeastern quadrant of the US Hwy 421 Bypass and Rice Road intersection and addressed as 2031/2035 Rice Road on land owned by Gary M. Thomas and Pamela D. Thomas. The site is located within the unincorporated area of Lee County and is zoned Residential Agricultural (RA). Per the Unified Development Ordinance (UDO), Article 4 Zoning District Regulations, Section 4.6 Use Regulations, Table 4.6-1 Permitted Use Matrix, a new telecommunications tower is permitted in the Residential Agricultural (RA) zoning district upon issuance of a Special Use Permit, subject to Article 5 Supplemental Development Regulations, Section 5.33 Telecommunications Towers. The property is the same as depicted on Lee County Tax Maps 9662.02, 9662.01, and 9662.04 as Tax Parcel 9662-55-4654-00, Lee County Land Records.

F. OTHER BUSINESS
G. ADJOURNMENT

** PLEASE REFERENCE THE ADDITIONAL INFORMATION PROVIDED AT THE REAR OF THE AGENDA PACKAGE**
LEE COUNTY BOARD OF ADJUSTMENT
JULY 1, 2019 – JUNE 30, 2020
Five (5) regular members and two (2) alternates. A quorum shall consist of four (4) members. (Updated 2019-07-023 by AJMc)

REGULAR MEMBERS

Charles (Chuck) Baker, Chair
97 Oakleaf Road
Sanford, NC 27332
Cell: 919-356-5860; Work: 919-782-0033
Email: ccbakerjr8@gmail.com
Term(s): 2016-2020
Note: Filled unexpired term of William Oberkirsch.

Frank M. Gilliam, Jr.
317 Foggy Bottom
Sanford, NC 27330
Home: 919-292-0402
Email: fiftyfifty1953@yahoo.com
Term(s): 2010-2022

Kay Coles
177C Traceway
Sanford, NC 27332
Home: 919-499-9139
Email: kayc1218@yahoo.com
Term(s): 2016-2022
Note: Regular PB Member longer than DT.

Herman Morris
201 E. Main Street (business address)
Sanford, NC 27330
Work: 919-708-5999; Cell: 919-478-1240
Email: mannabooks@windstream.net
Term(s): 2008-2022

Walter Ferguson, Jr., Vice-Chair
1231 First Pointe
Sanford, NC 27330
Home: 919-770-0390; Cell: 919-478-0107
Email: fergieferg1969@gmail.com
Term(s): 2015-2022
Note: Temporary address during construction of a new house.

ALTERNATE MEMBERS

Oscar Roberto
586 Spyglass Lane
Sanford, NC 27332
Home: 248-987-8587
Email: oscarrob@gmail.com
Term(s): 2019*-2020
*Moved from Alt to Reg PB membe

Charles “Dave” Turner
1746 Daiquiri Turn
Sanford, NC 27332
Home: 919-489-6285; Cell: 919-902-1218
Email: cdturner@windstream.net
Term(s): 2016-2020

SANFORD / LEE COUNTY COMMUNITY DEVELOPMENT STAFF
115 Chatham Street, Suite 1 (First Floor) Sanford, NC 27330

-------------Staff to this Board-------------
Angela Baker, Administrative Assistant II
and Clerk to the Board
Community Development
919-718-4657, ext. 5394
angela.baker@sanfordnc.net

Amy J. McNeill, Zoning Administrator
Zoning & Design Review Department
919-718-4656 ext. 5397
amy.mcneill@sanfordnc.net

Marshall Downey, Director
Community Development
919-718-4657 ext. 5390
marshall.downey@sanfordnc.net

-------------Additional Staff-------------
Alexandria Rye, Planner II
Zoning & Design Review Department
919-718-4656 ext. 5399
alexandria.rye@sanfordnc.net

Thomas Mierisch, Planner I
Zoning & Design Review Department
919-718-4656 ext. 5396
Thomas.mierisch@sanfordnc.net

Bill Morgan, Planning Technician
Zoning & Design Review Department
919-718-4656 ext. 5398
bill.morgan@sanfordnc.net
LEE COUNTY BOARD OF ADJUSTMENT

ESTABLISHMENT
Pursuant to NCGS §§ 153A-345 and 160A-388, the County of Lee, Town of Broadway and City of Sanford shall each maintain a separate Board of Adjustment (BOA) that shall execute all powers and duties as set forth in the North Carolina General Statutes (NCGS) and the Sanford/Lee County/Broadway Unified Development Ordinance (UDO).

POWERS AND DUTIES
The BOA shall adopt all rules and procedures necessary or convenient for the conduct of its business, consistent with the powers granted by the NCGS and the UDO. The Board of Adjustment shall hear and decide the following:

• appeals from the decisions of the Community Development Department in which it is alleged there is an error in an order, requirement, decision or determination made by the staff in the enforcement of the UDO;
• appeals for variances from the terms of the UDO;
• interpretations of the Official Zoning Map; and
• shall pass upon disputed questions of lot lines or district boundary lines and similar questions that may arise in the administration of the UDO.

A member of the BOA shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons’ constitutional rights to an impartial decision maker. Impermissible conflicts include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member’s participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

APPOINTMENT AND MEMBERSHIP FOR LEE COUNTY
The Lee County Commissioners appoint the Lee County Planning Board to serve as the BOA. As a matter of policy, the five regular Planning Board members with the most tenure also serve as the regular members of the BOA. The two regular Planning Board members with the least tenure also serve as the alternate members of the BOA. The alternate members will sit as a member of the BOA if needed to establish a quorum, or if needed to have four-fifths of the board present to hear a request for a Variance. Each alternate member, while attending any regular or special meeting of the BOA and serving in the absence of any regular member, shall have and may exercise all of the powers and duties of a regular member. Vacancies occurring for reasons other than expiration of terms shall be filled as they occur for the period of the unexpired term. The Board shall elect such officers and adopt such rules and regulations for its own government as it deems necessary to carry out the provisions of this article. Per the UDO, a quorum shall consist of four members in attendance. No case shall be heard unless a quorum is present.

MEETING INFORMATION
The Lee County BOA shall meet on the second Monday of each month as needed at 6:00pm in the Buggy Conference Room located on the first floor of the historic Buggy Company Building at 115 Chatham Street.

Updated 2018-10-16, intended as a general guide, please reference the UDO for specific language.
## LEE COUNTY BOARD OF ADJUSTMENT
### JULY 1, 2019 – JUNE 30, 2020

Five (5) regular members and two (2) alternates.

The Five (5) Lee County Planning Board regular members with the most tenure also serve as the Lee County BOA regular members and the two (2) Lee County Planning Board regular members with the least amount of tenure serve as the Lee County BOA alternate members.

### REGULAR MEMBERS

<table>
<thead>
<tr>
<th>NAME / ADDRESS</th>
<th>INITIAL APPT.</th>
<th>RE-APPT.</th>
<th>TERM EXPIRES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Charles Baker</td>
<td>June 2016</td>
<td>June 2017</td>
<td>June 2020</td>
</tr>
<tr>
<td>97 Oakleaf Road</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sanford, NC 27332</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Note: Filled unexpired term of William Oberkirsch.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Roy Cox</td>
<td>January 2009</td>
<td>June 2010</td>
<td>June 2019</td>
</tr>
<tr>
<td>1624 Avents Ferry Road</td>
<td>June 2010</td>
<td>June 2013</td>
<td>June 2019</td>
</tr>
<tr>
<td>Sanford, NC 27330</td>
<td>June 2010</td>
<td>June 2013</td>
<td>June 2019</td>
</tr>
<tr>
<td>Walter Ferguson, Jr.</td>
<td>September 2015</td>
<td>June 2016</td>
<td>June 2019</td>
</tr>
<tr>
<td>1231 First Pointe, Sanford, NC 27330</td>
<td>September 2015</td>
<td>June 2016</td>
<td>June 2019</td>
</tr>
<tr>
<td>Replaced Frank Hayes.</td>
<td>Note: Moved from Alternate to Regular Member.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Frank M. Gilliam, Jr.</td>
<td>June 2010</td>
<td>June 2016</td>
<td>June 2019</td>
</tr>
<tr>
<td>317 Foggy Bottom</td>
<td>June 2010</td>
<td>June 2016</td>
<td>June 2019</td>
</tr>
<tr>
<td>Sanford, NC 27330</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>201 E. Main Street</td>
<td>January 2008</td>
<td>June 2010</td>
<td>June 2019</td>
</tr>
<tr>
<td>Sanford, NC 27330</td>
<td>June 2010</td>
<td>June 2013</td>
<td>June 2019</td>
</tr>
<tr>
<td>(business address)</td>
<td>June 2010</td>
<td>June 2013</td>
<td>June 2019</td>
</tr>
<tr>
<td>Note: Replaced Reuben Dowdy</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### ALTERNATE MEMBERS

<table>
<thead>
<tr>
<th>NAME / ADDRESS</th>
<th>INITIAL APPT.</th>
<th>RE-APPT.</th>
<th>TERM EXPIRES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kay Coles</td>
<td>June 2016</td>
<td>N/A</td>
<td>June 2019</td>
</tr>
<tr>
<td>177C Traceway North</td>
<td>June 2016</td>
<td>N/A</td>
<td>June 2019</td>
</tr>
<tr>
<td>Sanford, NC 27332</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Charles “Dave” Turner</td>
<td>June 2016</td>
<td>June 2017</td>
<td>June 2020</td>
</tr>
<tr>
<td>1746 Daiquiri Turn</td>
<td>June 2016</td>
<td>June 2017</td>
<td>June 2020</td>
</tr>
<tr>
<td>Sanford, NC 27332</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

SUP Application

INSERT

Reference the SUP Application and civil drawing set provided at the rear of the agenda package, which includes the site plan & additional information.
LEE COUNTY BOARD OF ADJUSTMENT
PUBLIC HEARING INFORMATION FOR A SPECIAL USE PERMIT
JULY 8, 2019

APPLICANT: Faulk & Foster for Verizon Wireless

PROPERTY OWNERS: Gary M. Thomas and Pamela D. Thomas

LOCATION: 2031/2035 Rice Road, Sanford, NC 27330

TOWNSHIP: Jonesboro TAX PARCEL: 9662-55-4654-00

REQUEST
Faulk & Foster, a real estate consulting firm, is requesting a Special Use Permit (SUP) for Verizon Wireless to construct a new telecommunications tower due to the growth in usage and exhaustion of capacity at existing locations that serve the area of Lee County located south of the City of Sanford and east of US Hwy 421.

AREA AND SITE DESCRIPTION:
The subject property is a 49.81 acre ± vacant tract of land located in southeastern Lee County at the eastern terminus of Rice Road and the US 421 Bypass. It has approximately 330ft of road frontage on Rice Road (SR1523), which is an NCDOT maintained public street with a 60ft right-of-way. The entire tract is within a Voluntary Agricultural District (VAD), which was established in 2013 to promote agricultural values, protect family farms, encourage the economic and financial health of agriculture, horticulture and forestry, and increase protection from non-farm development. The area is zoned Residential Agricultural (RA) and is developed in a residential, horticultural, and agricultural manner.

Land uses surrounding the subject parcel include:
North: Vacant and wooded.
South: Opposite Rice Road, three single-family dwellings.
East: US 421 Bypass, a NCDOT maintained controlled access roadway, with a varying right-of-way width that is 280ft in the area of the subject property.
West: Single-family dwellings and Watson’s Nursery.

STAFF COMMENTS
The Special Use Permit request is for a 195ft tall monopole wireless telecommunications tower that will be constructed within a 100ft x 100ft = 10,000sf lease area (see Sheet 3 of the civil drawing set). There is a proposed 4ft tall lighting rod that will increase the total height to 199ft (see Sheet C13 of the civil drawing set). The tower facility will consist of a lighting arrester and an associated 12ft x 30ft = 360sf equipment pad, within a fenced compound. The design of the tower will allow for multiple carriers. The tower will be unmanned and will not require water or sewer service.

Lee County requires that all SUP applications for new telecommunications towers be reviewed by an outside consultant who specializes in verifies compliance with local, state, and federal regulations for this unique use. Please reference the CityScape Consultants, Inc. report included within this agenda for information regarding the review of this SUP request, including the...
recommendation that the application be approved with the conditions noted on page 6 of the CityScape report. Please be mindful that this is a recommendation regarding the technical and design standards of the proposed use and that the four findings required for any SUP to be approved are must still be taken into consideration by the board.

Regarding existing environmental conditions, the site is not located within an established flood hazard area/floodplain, but does have Lick Creek Tributary, an intermittent water feature, crossing the site.

The subject property is located within a Watershed Conservation Overlay District, specifically the Cape Fear River Watershed Protected Area. A watershed is a basin-like landform delineated by ridgelines that descend into lower elevations that carries rain water from the land into soils, ground waters, creeks, and streams, eventually making its way to larger rivers and the ocean. Development within this area is allowed, but there are maximum density and built upon area requirements designed to ensure the health of the watershed. This project appears to comply with the UDO watershed regulations.

The property is zoned Residential Agricultural (RA), which is established to provide areas for low density single family uses, low intensity agricultural operations as well as agri-business and supportive industrial and commercial uses. Industrial operations are not permitted unless they clearly support an agricultural use. RA zoning protects and preserves valuable agricultural areas, implements agricultural protection zoning, establishes performance standards for rural businesses, preserves rural areas, preserves pasture land and agriculture, sets maximum permissible densities or new zoning districts, defines specific areas for rural commercial uses, and identifies areas appropriate for agricultural preservation.

Adjacent Zoning -
North: RA, Residential Agricultural
South: RA, Residential Agricultural, opposite Rice Road
East: RA, Residential Agricultural
West: RA, Residential Agricultural

The Plan SanLee Land Use Plan identifies the future land use place type for this tract of land as “countryside”, which has the following characteristics:
- agricultural and undeveloped lands outside the Urban Service Area
- preservation of the country’s agricultural heritage encouraged
- conservation and maintenance of rural lifestyle supported
- limited residential density

Land use designations include schools, churches, single-family attached dwellings, farmland, forests, and conservation land. Forms of transportation include automobiles that share the roads with agricultural activity (with vehicular connectivity encouraged in new development) and pedestrians walking & bicycling on off-street trails. The zoning districts are RA-Residential Agricultural and RR-Residential Restricted. The maximum development density is one dwelling unit per two acres with deep building setbacks and a 35ft height limit. Utility infrastructure is well water and on-site wastewater disposal. The features character is two-lane rural highways, dispersed development pattern, and agricultural fields & forests.

UDO DEVELOPMENT REGULATIONS FOR TELECOMMUNICATIONS TOWERS
ARTICLE 5 SUPPLEMENTAL DEVELOPMENT REGULATIONS,
SECTION 5.33 TELECOMMUNICATIONS TOWERS
It is the intent of the County of Lee to allow telecommunication towers for mobile telephone services and other radio and television information services which provide for the needs of its citizens while minimizing adverse visual and operational effects of such towers through careful
design, placement, and screening; to avoid potential damage to adjacent properties from tower failure and falling ice; and to maximize the use of any existing towers and to reduce the number of new towers which are needed. Additionally, it is the intent of this subsection to encourage the co-location of antennas on existing towers in the County of Lee’s planning jurisdiction where possible in order to reduce the amount of visual clutter created by new towers in the community.

The purpose of this Section is to provide a uniform procedure for the prompt issuance of permits to place, construct, or modify personal wireless service facilities which comply with Article 4 of the UDO, in order to ensure compliance with the Telecommunications Act of 1996 ("TCA"), 47 U.S.C. § 151 et seq.

APPLICABILITY: This section applies to any structure designed to support antennas used for transmitting or receiving commercial telephone communications and/or commercial telecommunications, except for the following:
(a) Amateur or ham radio towers; and
(b) wireless broadband or other fixed-wireless systems operating at frequencies that require line of sight (i.e., antennae that are visible to each other), including microwave links, spread spectrum, 38-GHz carrier services, local multipoint distribution service (LMDS), multi-channel multipoint distribution service (MMDS), satellite systems, laser, Unlicensed National Information Infrastructure (UNII Band), or high-altitude long endurance systems.

MINOR AND SUBSTANTIAL MODIFICATIONS: A request for modification of an existing wireless tower or base station that involves collocation of new transmission equipment or replacement of transmission equipment shall be considered a minor modification so long as it does not include a substantial modification. A “substantial modification” shall be defined as the mounting of a proposed wireless facility on a wireless support structure that substantially changes the physical dimensions of the support structure. A mounting is presumed to be a substantial modification if it meets any one or more of the criteria listed below.
• Increasing the existing vertical height of the structure by the greater of (a) more than ten percent (10%) or (b) the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet.
• Except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable, adding an appurtenance to the body of a wireless support structure that protrudes horizontally from the edge of the wireless support structure the greater of (a) more than 20 feet or (b) more than the width of the wireless support structure at the level of the appurtenance.
• Increasing the square footage of the existing equipment compound by more than 2,500 square feet.
• Minor modifications shall be reviewed and approved administratively subject to the submittal and review procedures as set forth in the UDO. Applications for new towers or those deemed as substantial modifications shall require approval via a Special Use Permit.

STANDARDS:

GENERALLY:
• Towers shall not interfere with normal radio and television reception in the vicinity. No tower shall display any sign, banner or any message. Violations shall be considered zoning violations and shall be corrected under the enforcement provisions of the UDO.
• Telecommunication antennas may be permitted in any zoning district as a use by right when co-located on existing towers or public elevated water supply storage tanks.
• Towers shall be constructed and maintained in conformance with all applicable building code requirements.
• Towers greater than 75 feet in height shall be located a minimum distance of 1000 feet from another tower greater than 75 feet in height measured in a straight line between tower centers.
• (e) The tower shall be designed and constructed to accommodate one additional user if the tower is between 125 feet and 180 feet from the finished grade elevation. If the height of the tower exceeds 180 feet in height the tower shall be designed and constructed to accommodate a minimum of two additional users.
• (f) The tower site shall include adequate area to accommodate the accessory buildings and equipment of all intended users.

MINIMUM LOT AREA: Minimum lot size shall comply with the minimum requirements of the zoning regulations, Article 4 of the UDO. This provision is not intended to apply to ground leases or licenses solely for the use of telecommunication towers, antennas, or equipment.

MINIMUM SETBACK REQUIREMENTS: Towers shall conform to the following dimensional requirements:
• For towers located on the roof of a Structures, other than the base or supporting elements of the tower, the tower shall not be more than 30% of the building height above the building, or 75 feet above the building, whichever is less. The building or structure shall maintain the normal setbacks of the zoning district.
• For towers mounted on the ground surface: (a) The minimum setback from all property boundaries shall be equal to the maximum height of the proposed tower. (b) A fall zone shall also be established for each tower. The fall zone is defined as an area within the subject property, which shall be maintained so as to be clear of any buildings within an area equal to the maximum height of the proposed tower as measured by a circle around the base of the tower. Buildings that are constructed for the purpose of housing equipment in support of the communications equipment as located on the tower shall be permitted within the fall zone.

LIGHTING REQUIREMENT: Lighting shall not be permitted unless required by the Federal Aviation Administration (FAA). If lighting is required it shall not exceed the FAA minimum. Strobes shall not be used for nighttime lighting unless required by the FAA. The lights shall be oriented so as not to project directly onto surrounding residential property, consistent with FAA requirements. Prior to issuance of a building permit, the applicant shall be required to submit documentation from the FAA that the lighting is the minimum lighting required by the FAA.

FENCING AND LANDSCAPING REQUIREMENTS:
• Fencing shall be required for each site around the base of the tower, any structures or guy wires. The composition of the fencing shall consist of durable materials including wood, brick, or metal or other similar material as may be determined by the Board.
• The base of the tower, any guy wires, and any structures, walls, or fences shall be surrounded by a single row of large evergreen shrubs spaced at an interval of 5 feet on center. The minimum height of shrubs at the time of planting shall be 3 feet.
• The site developer may have the option of: (a) providing the landscape buffer around the tower base, guy wires and accessory structures; or (b) providing a buffer around the perimeter of the entire site.

CO-LOCATION REQUIREMENTS: To encourage shared use of towers, applicants may apply for reduction in setbacks. Applications for towers, which will operate with more than one user immediately upon completion, may reduce setbacks from adjacent nonresidential property. The approving authority may reduce the setback from adjacent nonresidential property by 25% when two users commit to occupy the tower immediately upon its completion or may reduce the
setback by 50% when three or more users commit to occupy the tower immediately upon its completion. However, the setback distance may not be reduced to less than 50 feet. To further encourage co-location, additional antennas and associated equipment, which do not add to the tower height, may be added to existing towers with administrative approval by the Community Development Department. Applicants need only provide the information required by the UDO and construction drawings.

**CONCEALED TOWERS:** Concealed towers are permitted in all zoning districts, subject to the issuance of a permit by the Community Development Department. For additions to existing structures and for architectural features that are exempt from the height requirements of this ordinance, the Community Development Department shall consider whether the addition or feature containing the antenna is architecturally harmonious in such aspects as material, height, bulk, scale, and design with the building or complex of which it is a part, and if it is a stand-alone structure, whether or not such structure is harmonious with the surrounding area. If the Community Development Department denies approval of the concealed tower, the applicant may appeal the decision to the Board of Adjustment as an appeal of an administrative decision. A Board of Adjustment review shall only consider the architectural aspects of the Community Development Department’s decision listed above. In addition, such structures associated with the communication antenna and equipment shall:

(a) Meet all other applicable requirements of the UDO.
(b) Not interfere with normal radio and television reception in the vicinity.
(c) Be constructed and maintained in conformance with all applicable building requirements.

### 5.33.5 ABANDONMENT, OBsolescence, AND FINANCIAL RESPONSIBILITY REQUIREMENTS:
A tower that is not used for a period of at least six (6) months shall be determined to be abandoned and shall be removed, by the owner, within 90 days after notice by the Community Development Department. The owner of the tower shall remove any abandoned, obsolete, unused, or structurally unsound tower within 90 days after notice by the Community Development Department or Building Inspector when said tower is detrimental to the health and safety of the public. When said tower is structurally unsound, the Building Inspector may establish a shorter period of time for the removal of a tower. To assure the removal of towers which do not meet requirements for use or maintenance:

- **5.33.5.4** A statement of financial responsibility, meeting the standards of the County, shall be submitted for each tower over 100 feet.
- **5.33.5.5** A performance bond in an amount fixed by the Planning Board equal to 110% of the cost for removal of the tower shall be posted for each tower. The bond shall be renewed annually and a certificate of renewal submitted for as long as the tower remains in place.
- **5.33.5.6** Removal costs shall be charged to the tower owner. In the instance of the financial insolvency of the tower owner, removal cost shall be assessed as a lien and collected as unpaid taxes.
- **5.33.5.7** Government-owned wireless communication facilities shall be exempt from Sections 5.33.5.3 through 5.33.5. of the UDO. Such government-owned wireless towers shall not be required to submit a performance bond as specified in the aforementioned subsections.
- **5.33.5.6** Such government-owned wireless towers shall not be required to submit a performance bond as specified in the aforementioned subsections.
5.33.6 SUBMITTAL REQUIREMENTS
The following information must be supplied with any application for development approval for all telecommunication towers as defined by this Section, in addition to any information required for the applicable permit by Appendix B.

5.33.6.1 Site, elevation, and landscape plans drawn to scale showing all setbacks, buffers, easements, buildings, fences, height of the tower (including antennas, lightning rods and paraphernalia), and accessory structures as well as any additional information deemed appropriate by the Community Development Department or Board.

5.33.6.2 Identification, address, and telephone number of the intended user(s) of the tower.

5.33.6.3 Proof of ownership and/or easement agreement(s) for the land where the tower is located, including means of ingress and egress.

5.33.6.4 Proof of authorization to use the site if the land is not owned.

5.33.6.5 A report including a description of the tower with technical reasons for its design.

5.33.6.6 Documentation provided by a registered engineer indicating the number of additional users that the tower has sufficient structural integrity to accommodate.

5.33.6.7 Documentation by the applicant that demonstrates the reasonable feasibility (or unfeasibility) of collocating new antennas and equipment on existing wireless support structure or other structures. For proposed new towers, such documentation shall demonstrate the feasibility of collocating is unreasonable.

5.33.6.8 Documentation that the tower lighting will not exceed the Federal Aviation Administration’s (FAA) minimum standards and the standards of this ordinance.

5.33.6.9 Copy of completed FAA Form 7460-1, Notice of Proposed Construction or Alteration and any FAA responses thereto. Failure on the part of the applicant to ultimately obtain a finding by the FAA that the tower will not pose a hazard to air navigation shall result in revocation of the Special Use Permit.

Evidence that the Sanford-Lee County Regional Airport Authority has been notified of the proposed tower, that the tower will not exceed the standards of the Sanford-Lee County Airport Hazard Ordinance, and that the tower will not pose a hazard to any private airport.

5.33.6.10 Evidence that owners of residentially zoned or used property located within 300 feet of the base of the tower have been notified of the proposal.

5.33.6.11 A statement indicating the owner’s intent to allow shared use of the tower and how many additional users may be accommodated.

5.33.6.12 An analysis of the area containing existing topographical contours. Include a copy of the USGS topographic quadrangle with the tower site identified including latitudinal and longitudinal coordinates.

5.33.6.13 A visual depiction and summary of locations within a three mile radius where any portion of the proposed tower is visible.
5.33.6.14 A computer simulation or an artist’s rendering of the proposed tower and site or a photograph of a tethered balloon floated to the height of the proposed tower in order to assess potential safety and visual impacts. The applicant shall take the photograph or view from one (1) of the following locations:

- any point along the boundary of the nearest residential zoning district to the proposed tower lying within a three mile radius, or
- any point along the boundary of a three mile radius from the proposed tower.

5.33.7 APPROVAL PROCEDURES
Approval of a telecommunications towers shall be in accordance with the review and approval procedures as set forth in Article 3 of the UDO for Administrative Permits and/or Special Use Permits (as applicable).

5.33.8 RETENTION OF CONSULTANTS
The County shall retain a consultant or professional services to review applications for new towers. The consultant will review all such applications and make determinations and recommendations on relevant issues including, but not limited to, verification of the applicant’s due diligence, analysis of alternatives, and compliance with state and federal rules and regulations. The applicant shall pay a fee as part of the special use permit application for the costs of the consulting services as incurred by the County. The County shall require any consultants to disclose any potential conflicts of interest and to hold confidential any proprietary information supplied by the applicant. At the request of the applicant, the Department of Community Development shall arrange an informal consultation with the applicant to review the consultant’s report prior to any public hearing on the application.

ATTACHMENTS
- CityScape Consultants, Inc. report
- Maps of property – GIS tax map, aerial map, and zoning map
- Unified Development Ordinance (UDO) references
- Legal Notice for Special Use Permit Application
- Adjoining Property Owner Notification of Public Hearing
- Certification of Adjacent Property Owner Notification
- List of Adjoining Property Owners
- Special Use Permit Hearing Procedures

REQUIRED FINDINGS FOR A SPECIAL USE PERMIT
Special Use Permits provide a form of discretionary approval for certain uses which are generally compatible with the land uses permitted by right in a zoning district, but which require individual review of their location, design and configuration. Special Use Permits ensure the appropriateness of the use at a particular location within a given zoning district. The Board of Adjustment shall consider the application, supporting documents, the site plan and examine factual evidence presented at the hearing before ruling on the following four findings of facts.
In granting the Special Use Permit, the board shall find:

1. That the use will not materially endanger the public health or safety if located where proposed and developed according to the application and plan as submitted and approved.
2. That the use meets all required conditions and specifications.
3. That the use will not substantially injure the value of the adjoining or the abutting property, or that the use is a public necessity.
4. That the location and character of the use, if developed according to the application and plan submitted and approved, will be in harmony with the area in which site is located and in general conformity with all adopted land use plans.

Please reference the application for specific information regarding how the applicant has addressed the criteria for the Special Use Permit request.

Please note that, if the Board grants the Special Use Permit, Cityscape Consultants, Inc. has recommended the following conditions:

1. All feed lines shall be installed within the support structure and the antenna posts shall be sealed in a manner to prevent access by birds and other wildlife.
2. For the proposed emergency power backup generator, its noise level shall not exceed 65dBA at the nearest edge of the 100’ x 100’ lease area. Testing shall be limited to the hours between 9:00 A.M. and 4:00 P.M. (Monday through Friday).
3. The proposed structure shall not be lighted.

If granted, the Special Use Permit shall include approval of the preliminary site plan submitted with the application and any conditions as deemed necessary by the Board. The applicant may then submit a final site plan to Planning staff for review/approval and issuance of a Zoning Clearance Permit. All conditions shall run with the land and shall be binding on the original applicants, their heirs, successors and assigns.

This decision is effective upon filing the written decision with the Clerk to the Board. Decisions of the Board of Adjustment shall be appealed to the Lee County Superior Court within 30 days of the final decision.
SPECIAL USE PERMIT APPLICATION

Application by Faulk & Foster for Verizon Wireless to obtain a SUP for a new telecommunications tower to be located on a 49.8 +/- acre tract of land addressed as 2031/2035 Rice Road.

PIN 9662-55-4654-00.

This is a graphic illustration and not a legal document.
SPECIAL USE PERMIT APPLICATION

Application by Faulk & Foster for Verizon Wireless to obtain a SUP for a new telecommunications tower to be located on a 49.8+/- acre tract of land addressed as 2031/2035 Rice Road. PIN 9662-55-4654-00.

This is a graphic illustration and not a legal document.
SPECIAL USE PERMIT APPLICATION

Application by Faulk & Foster for Verizon Wireless to obtain a SUP for a new telecommunications tower to be located on a 49.8 +/- acre tract of land addressed as 2031/2035 Rice Road. PIN 9662-55-4654-00.

This is a graphic illustration and not a legal document.
Key: "P" means permitted as of right, "S" means permitted as a special use, "D" means development regulations apply (see Article 5), "A" means permitted only as an accessory use, "-" means prohibited. Section numbers as provided in the use column (i.e. § 5.1) provide additional reference regarding the supplemental design standards as found within other sections of this Ordinance. Refer to Appendix A or the sources referred to under "Land Use Coding" for specific definitions of uses.

### Use

<table>
<thead>
<tr>
<th>Use</th>
<th>LBCS Function</th>
<th>LBCS Structure</th>
<th>R-1 Residential Agricultural</th>
<th>R-R Restricted Residential Single-Family</th>
<th>R-14 Restricted Residential Single-Family</th>
<th>R-12SF Residential Single-Family</th>
<th>R-10 Residential Mixed</th>
<th>R-6 Residential Mixed</th>
<th>R-4 Multi-Family</th>
<th>NC Neighborhood Commercial</th>
<th>NC Highway Commercial &amp; Office</th>
<th>C-2 General Commercial &amp; Office</th>
<th>C-1 Office &amp; Institutional</th>
<th>C-3 Control Business District</th>
<th>LLI Light Industrial</th>
<th>HHI Heavy Industrial</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bus passenger stations/terminals/shelters</td>
<td>4133</td>
<td>5300</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>P</td>
<td>-</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Freight terminals &amp; truck terminals</td>
<td>4140-4144</td>
<td></td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Gas or electric generation distribution facilities, compressor stations, or substations</td>
<td>4110</td>
<td>6410-6422, 6440-6460</td>
<td>S</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Hazardous waste facilities (subject to NCGS § 130A-293)</td>
<td>6340</td>
<td></td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Parking lots, parking structures or underground parking areas (commercial or governmental)</td>
<td>5200-5210</td>
<td></td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Power generation plants or substations</td>
<td>6410:6416</td>
<td></td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>S</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Public utility storage and service yards</td>
<td></td>
<td></td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>S</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Radio and TV stations and studios (excluding transmission tower)</td>
<td>4231</td>
<td></td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Railroad freight yards, repair shops/sheds and marshalling yards</td>
<td>4123</td>
<td>5720</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Sewage treatment and Water treatment plants</td>
<td>4340</td>
<td></td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Solar Collectors, Residential (see § 5.40)</td>
<td></td>
<td></td>
<td>P</td>
<td>D</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>D</td>
<td>D</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Solid Waste Collection, Transfer and/or disposal (Non-Hazardous)</td>
<td>4341</td>
<td></td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Solid Waste Convenience Centers</td>
<td></td>
<td></td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Solid waste combustor or incinerator</td>
<td>4344</td>
<td>6370</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Taxi and Limousine Service</td>
<td>4137</td>
<td></td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Utility lines (including electric lines, phone/cable lines, distribution circuits, gas/fuel lines, water lines, steam/air conditioning lines, irrigation channels, and sewer/waste water lines)</td>
<td>6100-6162</td>
<td></td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>

### Agriculture

<table>
<thead>
<tr>
<th>Agriculture</th>
<th>LBCS Function</th>
<th>LBCS Structure</th>
<th>R-1 Residential Agricultural</th>
<th>R-R Restricted Residential Single-Family</th>
<th>R-14 Restricted Residential Single-Family</th>
<th>R-12SF Residential Single-Family</th>
<th>R-10 Residential Mixed</th>
<th>R-6 Residential Mixed</th>
<th>R-4 Multi-Family</th>
<th>NC Neighborhood Commercial</th>
<th>NC Highway Commercial &amp; Office</th>
<th>C-2 General Commercial &amp; Office</th>
<th>C-1 Office &amp; Institutional</th>
<th>C-3 Control Business District</th>
<th>LLI Light Industrial</th>
<th>HHI Heavy Industrial</th>
</tr>
</thead>
<tbody>
<tr>
<td>(unincorporated Lee County)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Animal Production and Support Services, (Sanford and Broadway)</td>
<td>9380-9380</td>
<td>8200</td>
<td>S</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Crop Production and Support Functions, (Sanford and Broadway)</td>
<td>9100-9240</td>
<td>8100</td>
<td>P</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Forestry and Logging Support Services, (unincorporated Lee County)</td>
<td>9400-9430</td>
<td></td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Forestry and Logging Support Services, (Sanford and Broadway)</td>
<td>9400-9430</td>
<td></td>
<td>S</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>
5.33 TELECOMMUNICATIONS TOWERS

It is the intent of the County of Lee to allow telecommunication towers for mobile telephone services and other radio and television information services which provide for the needs of its citizens while minimizing adverse visual and operational effects of such towers through careful design, placement, and screening; to avoid potential damage to adjacent properties from tower failure and falling ice; and to maximize the use of any existing towers and to reduce the number of new towers which are needed. Additionally, it is the intent of this subsection to encourage the co-location of antennas on existing towers in the County of Lee’s planning jurisdiction where possible in order to reduce the amount of visual clutter created by new towers in the community.

The purpose of this Section is to provide a uniform procedure for the prompt issuance of permits to place, construct, or modify personal wireless service facilities which comply with Article 4 (Zoning) of this Ordinance, in order to ensure compliance with the Telecommunications Act of 1996 ("TCA"), 47 U.S.C. § 151 et seq.

5.33.1 APPLICABILITY

5.33.1.1 This section applies to any structure designed to support antennas used for transmitting or receiving commercial telephone communications and/or commercial telecommunications, except for the following:

(a) Amateur or ham radio towers; and
(b) wireless broadband or other fixed-wireless systems operating at frequencies that require line of sight (i.e., antennae that are visible to each other), including microwave links, spread spectrum, 38-GHz carrier services, local multipoint distribution service (LMDS), multi-channel multipoint distribution service (MMDS), satellite systems, laser, Unlicensed National Information Infrastructure (UNII Band), or high-altitude long endurance systems.

5.33.2 STANDARDS

5.33.2.1 GENERALLY

(a) Towers shall not interfere with normal radio and television reception in the vicinity. No tower shall display any sign,
Article 5

5.33.2.1 PERMITTED USES. Telecommunication antennas may be permitted in any zoning district as a use by right when co-located on existing towers or public elevated water supply storage tanks.

(b) Telecommunication antennas may be permitted in any zoning district as a use by right when co-located on existing towers or public elevated water supply storage tanks.

5.33.2.2 MINIMUM LOT AREA.

Minimum Lot size shall comply with the minimum requirements of the zoning regulations, Article 4, § 4.7 of this Ordinance. This provision is not intended to apply to ground leases or licenses solely for the use of telecommunication towers, antennas, or equipment.

5.33.2.3 MINIMUM SETBACK REQUIREMENTS.

Towers shall conform to the following dimensional requirements:

(a) For towers located on the roof of a Structures, other than the base or supporting elements of the tower, the tower shall not be more than 30% of the building height above the building, or 75 feet above the building, whichever is less. The building or structure shall maintain the normal setbacks of the zoning district.

(b) For towers mounted on the ground surface:

- The minimum setback from all property boundaries shall be equal to the maximum height of the proposed tower.
- A fall zone shall also be established for each tower. The fall zone is defined as an area within the subject property, which shall be maintained so as to be clear of any buildings within an area equal to the maximum height of the proposed tower as measured by a circle around the base of the tower. Buildings that are constructed for the purpose of housing equipment in support of the communications equipment as located on the tower shall be permitted within the fall zone.

5.33.2.4 LIGHTING REQUIREMENT.

Lighting shall not be permitted unless required by the Federal Aviation Administration (FAA). If lighting is required it shall not exceed the FAA minimum. Strobes shall not be used for nighttime lighting unless required by the FAA. The lights shall be oriented so as not to project directly onto surrounding residential property, consistent with FAA requirements. Prior to issuance of a building permit, the applicant shall be required to submit documentation from the FAA that the lighting is the minimum lighting required by the FAA.

5.33.2.5 FENCING AND LANDSCAPING REQUIREMENTS.

(a) Fencing shall be required for each site around the base of the tower, any structures or guy wires. The composition of the fencing shall consist of durable materials including wood, brick, or metal or other similar material as may be determined by the Planning Board.

(b) The base of the tower, any guy wires, and any structures, walls, or fences shall be surrounded by a single row of large evergreen shrubs spaced at an interval of 5 feet on center. The minimum height of shrubs at the time of planting shall be 3 feet.

(c) The site developer may have the option of:
(1) providing the landscape buffer around the tower base, guy wires and accessory structures; or

(2) providing a buffer around the perimeter of the entire site.

5.33.3 CO-LOCATION REQUIREMENTS.

5.33.3.1 To encourage shared use of towers, applicants may apply for reduction in setbacks. Applications for towers, which will operate with more than one user immediately upon completion, may reduce setbacks from adjacent nonresidential property. The approving authority may reduce the setback from adjacent nonresidential property by 25% when two users commit to occupy the tower immediately upon its completion or may reduce the setback by 50% when three or more users commit to occupy the tower immediately upon its completion. However, the setback distance may not be reduced to less than 50 feet.

5.33.3.2 To further encourage co-location, additional antennas and associated equipment, which do not add to the tower height, may be added to existing towers with administrative approval by the Community Development Department. Applicants need only provide the information required by §§ 5.33.6.2, 5.33.6.4, 5.33.6.5, 5.33.6.6, 5.33.6.8, 5.33.6.10, and construction drawings.

5.33.4 CONCEALED TOWERS.

Concealed towers are permitted in all zoning districts, subject to the issuance of a permit by the Community Development Department. For additions to existing structures and for architectural features that are exempt from the height requirements of this ordinance, the Community Development Department shall consider whether the addition or feature containing the antenna is architecturally harmonious in such aspects as material, height, bulk, scale, and design with the building or complex of which it is a part, and if it is a stand-alone structure, whether or not such structure is harmonious with the surrounding area. If the Community Development Department denies approval of the concealed tower, the applicant may appeal the decision to the Board of Adjustment as an appeal of an administrative decision. A Board of Adjustment review shall only consider the architectural aspects of the Community Development Department’s decision listed above. In addition, such structures associated with the communication antenna and equipment shall:

(a) Meet all other applicable requirements of this Ordinance.

(b) Not interfere with normal radio and television reception in the vicinity.

(c) Be constructed and maintained in conformance with all applicable building requirements.

5.33.5 ABANDONMENT, OBSOLESCENCE, AND FINANCIAL RESPONSIBILITY REQUIREMENTS.

5.33.5.1 A tower that is not used for a period of at least six (6) months shall be determined to be abandoned and shall be removed, by the owner, within 90 days after notice by the Community Development Department.

5.33.5.2 The owner of the tower shall remove any abandoned, obsolete, unused, or structurally unsound tower within 90 days after notice by the Community Development Department or Building Inspector when said tower is detrimental to the health and safety of the public. When said tower is structurally unsound, the Building Inspector may establish a shorter period of time for the removal of a tower.

5.33.5.3 To assure the removal of towers which do not meet requirements for use or maintenance:

5.33.5.4 A statement of financial responsibility, meeting the standards of the County, shall be submitted for each tower over 100 feet.

5.33.5.5 A performance bond in an amount fixed by the Planning Board equal to 110% of the cost for removal of the tower shall be posted for each tower. The bond shall be renewed annually and a certificate of renewal submitted for as long as the tower remains in place.
5.33.5.6 Removal costs shall be charged to the tower owner. In the instance of the financial insolvency of the tower owner, removal cost shall be assessed as a lien and collected as unpaid taxes.

5.33.5.7 Government-owned wireless communication facilities shall be exempt from Sections 5.33.5.3 through 5.33.5.6 of this Ordinance. Such government-owned wireless towers shall not be required to submit a performance bond as specified in the aforementioned subsections.

5.33.5.6 Such government-owned wireless towers shall not be required to submit a performance bond as specified in the aforementioned subsections.

5.33.6 SUBMITTAL REQUIREMENTS

The following information must be supplied with any application for development approval for all telecommunication towers as defined by this Section, in addition to any information required for the applicable permit by Appendix B.

5.33.6.1 Site, elevation, and landscape plans drawn to scale showing all setbacks, buffers, easements, buildings, fences, height of the tower (including antennas, lightning rods and paraphernalia), and accessory structures as well as any additional information deemed appropriate by the Community Development Department or Planning Board.

5.33.6.2 Identification, address, and telephone number of the intended user(s) of the tower.

5.33.6.3 Proof of ownership and/or easement agreement(s) for the land where the tower is located, including means of ingress and egress.

5.33.6.4 Proof of authorization to use the site if the land is not owned.

5.33.6.5 A report including a description of the tower with technical reasons for its design.

5.33.6.6 Documentation provided by a registered engineer indicating the number of additional users that the tower has sufficient structural integrity to accommodate.

5.33.6.7 Documentation by the applicant that demonstrates the reasonable feasibility (or unfeasibility) of collocating new antennas and equipment on existing wireless support structure or other structures. For proposed new towers, such documentation shall demonstrate the feasibility of collocating is unreasonable.

5.33.6.8 Documentation that the tower lighting will not exceed the Federal Aviation Administration’s (FAA) minimum standards and the standards of this ordinance.

5.33.6.9 Copy of completed FAA Form 7460-1, Notice of Proposed Construction or Alteration and any FAA responses thereto. Failure on the part of the applicant to ultimately obtain a finding by the FAA that the tower will not pose a hazard to air navigation shall result in revocation of the Special Use Permit.

5.33.6.10 Evidence that the Sanford-Lee County Regional Airport Authority has been notified of the proposed tower, that the tower will not exceed the standards of the Sanford-Lee County Airport Hazard Ordinance, and that the tower will not pose a hazard to any private airport.

5.33.6.11 Evidence that owners of residentially zoned or used property located within 300 feet of the base of the tower have been notified of the proposal.

5.33.6.12 A statement indicating the owner’s intent to allow shared use of the tower and how many additional users may be accommodated.

5.33.6.13 An analysis of the area containing existing topographical contours. Include a copy of the USGS topographic quadrangle with the tower site identified including latitudinal and longitudinal coordinates.

5.33.6.14 A visual depiction and summary of locations within a three mile radius where any portion of the proposed tower is visible.

5.33.6.15 A computer simulation or an artist’s rendering of the proposed tower and site or a photograph of a tethered balloon floated to the
height of the proposed tower in order to assess potential safety and visual impacts. The applicant shall take the photograph or view from one (1) of the following locations:

- any point along the boundary of the nearest residential zoning district to the proposed tower lying within a three mile radius, or
- any point along the boundary of a three mile radius from the proposed tower.

5.33.7 APPROVAL PROCEDURES

Approval of a telecommunications towers shall be in accordance with the review and approval procedures as set forth in Article 3 of this Ordinance for Administrative Permits and/or Special Use Permits (as applicable).

5.33.8 RETENTION OF CONSULTANTS

The County shall retain a consultant or professional services to review applications for new towers. The consultant will review all such applications and make determinations and recommendations on relevant issues including, but not limited to, verification of the applicant’s due diligence, analysis of alternatives, and compliance with state and federal rules and regulations. The applicant shall pay a fee as part of the special use permit application for the costs of the consulting services as incurred by the County. The County shall require any consultants to disclose any potential conflicts of interest and to hold confidential any proprietary information supplied by the applicant. At the request of the applicant, the Department of Community Development shall arrange an informal consultation with the applicant to review the consultant’s report prior to any public hearing on the application.
June 19, 2019

Ms. Amy McNeil
Zoning Administrator
900 Woodland Avenue
Sanford, NC 27330

RE: Lee County
Verizon Wireless / Watsons Nursery

Dear Ms. McNeil,

At your request, on behalf of Lee County, North Carolina (“County”), CityScape Consultants, Inc. (“CityScape”) in its capacity as telecommunications consultant for the County, has considered the merits of the above referenced application submitted by Faulk & Foster on behalf of Verizon Wireless (“Applicant”), to construct a new wireless communications structure and associated ground compound at 2031 Rice Road in Sanford, North Carolina, see Figure 1.

Wireless Informational Tutorial

Cellular, PCS and ESMR wireless communications systems depend on the concept of resource re-use to achieve their network goals and objectives. With some technologies, the individual channel frequencies are reused every few cells, but not too closely, since interference would result. Wireless service is achieved through ground equipment and antennas mounted on towers, buildings or other elevated structures. The height and location of the elevated antenna platform is critical to provide sufficient wireless network coverage. Generally, the higher the antenna is mounted on the support structure, the farther the wireless signal penetrates a geographic area.

In the wireless system evolution, a provider would initially provide service with facilities spaced further apart with relatively tall antenna elevations to maximize the "footprint" at minimal cost. As the subscriber density increases, network capacity for these facilities increases, resulting in frequent busy signals or "no service" messages for end users. To remedy this situation, the antennas are mounted at lower heights to reduce the coverage area, thus reducing subscriber count per facility. When coverage areas are reduced a new facility is needed to fill in the previously served area.

The Search Ring is a vital part of the submittal for any new personal wireless facility. The Ring identifies the optimum location for the facility and will control the operating parameters needed to meet the facility objectives. Of primary interest to a community are the location and the height of a structure all which is dictated by the Ring. Cellular search areas are usually circles of
approximately one-quarter the radius of the proposed cell. In practice it is fairly simple to
determine whether the search area radius is reasonable. The distance from the closest existing
site is determined, halved, and a handoff "overlap" of about 20 percent is added. One fourth of
this distance is the search area radius. Sample 1 illustrates this graphically.

Sample 1 - The hexagonal search ring radius is ¼ of the radius of the cell’s coverage less a
20% handoff overlap

A reasonable search ring location is a key element in assuring that a site is justified. Generally,
new wireless communication facilities are equally spaced with respect to existing sites. However,
terrain, network capacity and other issues may necessitate a facility that it is not equally spaced
with respect to existing sites. Typically, the wireless provider is asked to provide coverage
prediction maps to indicate that a site is properly located.

An important part of any wireless communication facility application is the verification of the
provider’s proposed height requirements with generally accepted engineering. The Applicant
utilizes LTE (700 MHz), Cellular (850 MHz), AWS (1,700/2,100 MHz) and PCS (1,900 MHz)
services within Lee County. These spectrum groups are modeled.

In addition to the minimum height and power needed for effective signal coverage, as more
wireless devices are deployed, user capacity issues become the limiting factor. Technology is
improving which allows towers to handle more devices, but it is not keeping up with the speed
that such devices are connecting. As the industry heads for 5G in the next 3-4 years, more
localized cellular sites will be needed. This will involve shorter towers that are closer together to
limit their “reach”. This practice has already begun in urbanized areas for the past few years and
will continue in rural and urban residential areas. The future will also involve what are known as
“small cells” which are antennas places on streetlamps, shorter buildings, etc.
The Applicant did not specifically state the areas this facility is intended to improve, but did provide a search ring and coverage map depicting the improvement areas. The improvements will be for in-vehicle coverage along US 421 as well as better service in rural areas along Thomas, Poplar Springs Church and Pumping Station Roads.

The proposal has been evaluated from the following perspectives:

- Whether the proposed facility, as specified, is justified due to technological reasons and is essential for the Applicant to provide its telecommunications service; and,

- Whether the proposed facility will follow the guidelines of the Telecommunications Act of 1996, the Lee County Ordinance and all other pertinent rules and regulations.

**Lee County Ordinance Requirements**

§5.33.2.1 Generally
- (a) - Shall not interfere with radio/TV reception and no signage: need certification
- (b) – Co-located antennas: N/A
- (c) – Towers comply with building codes complies
- (d) – 1000-foot separation for Towers greater than 75 feet: complies
- (e) – Minimum users: complies
- (f) – adequate room for accessory buildings: complies

§5.33.2.2 Minimum Lot Area: 49.81 Acres, complies (40,000 sq. ft. for RA)

§5.33.2.3 Minimum Setback
- (a) – Towers on roof: N/A
- (b) – Towers on ground: setback is tower height, complies

§5.33.2.4 Lighting Requirement: None proposed

§5.33.2.5 Fencing and Landscaping Requirements
- (a) – Fencing required: 8-foot fence proposed (complies)
- (b) – Tower base/guy wires: complies

§5.33.3 Co-location Requirements
- (1) – Shared Use: N/A
- (2) – Co-location: N/A

§5.33.4 Concealed Towers
- (a) – N/A
- (b) – N/A
§5.33.5 Abandonment

(1) – unused removal: will comply
(2) - structurally

§5.33.6 Submittal Requirements

(1) – Plans: provided
(2) – Address and phone contact: provided
(3) – Proof of Ownership: provided
(4) – Proof of Authorization: provided
(5) – Technical Needs Report: provided (from a structural standpoint, but not from an overall needs standpoint)
(6) – Number of Additional Users: provided
(7) – Feasibility of Co-locating antennas: provided
(8) - Lighting meets FAA requirements: N/A
(9) – Copy of FAA 7460-1 Form: provided
(10) – Complies with Sanford-Lee Airport Authority standards: provided
(11) – Notification to nearby residential owners: provided
(12) – Intent to share tower for co-location: provided
(13) – Topographic Analysis: provided
(14) – Location summary where tower is visible: provided
(15) – Balloon Test/Photo Simulations: provided

Site Justification and Coverage

In order for the wireless communications facility to be justified, its need, location and height have to be addressed. The application proposes to construct a new one hundred ninety-five (195) foot (199 feet top of lightning rod) monopole tower, *see Appendix, Exhibit B*. There are no other existing towers greater than 75 feet in height within 1000 feet of the proposed site, as required by the Ordinance. The Applicant provided a search ring and coverage maps depicting the proposed improvement the new site will provide for Verizon customers. This information was used in determining if the proposed location and height are justified.

The proposed height will allow for contiguous service between the existing sites to the south and west with improved indoor service in areas 1 to 1-1/2 miles from the tower. It will also alleviate capacity issues that may arise during peak usage times from nearby overloaded sites.
Finally, the tower is designed to accommodate three (3) future users with adequate height which should reduce the need for additional towers in the area.

The Applicant has received a Determination of No Hazard from the FAA indicating that the proposed structure will not require obstruction lighting.

Ground Equipment

The Applicant proposes to utilize a 12’6” X 21’ lease area within a proposed 60’ X 60’ fenced compound. The fenced area will accommodate room for three future provider’s equipment, see Appendix, Exhibit B.

Landscape Buffering

The ground compound will be surrounded by 46 Carolina Cherry Laurels, spaced 5 feet apart and 7 taller Southern Magnolias at larger spaced locations, per Ordinance requirements, see Appendix, Exhibit C.

Colocation

The Applicant has provided drawings and a structural analysis that includes three future arrays of like design (12 antennas, 6 RRU’s and 3 surge suppressors). All vertical feed lines were noted to be inside the pole shaft.

In conclusion, it is the opinion of the undersigned that the Applicant has justified the need for a new one hundred ninety-nine (199) foot support structure at the proposed location and has complied with Federal guidelines for personal wireless facility deployment. CityScape Consultants, as the wireless expert for the County, recommends the application be approved with the following conditions:
1. All feed lines shall be installed within the support structure and antenna ports shall be sealed in a manner to prevent access by birds and any other wildlife; and,

2. For the proposed emergency power backup generator, its noise level shall not exceed 65 dBA at the nearest edge of the 100’ X 100’ lease area. Testing shall be limited to the hours between 9:00 A.M. and 4:00 P.M., (Monday through Friday); and,

3. The proposed structure shall not be lighted

I certify that to the best of my knowledge all of the information included herein is accurate at the time of this report. CityScape only works for local governments and has an unbiased opinion; all recommendations are based on technical merits without prejudice and according to prevailing laws and codes.

Respectfully submitted,

[Signature]

Jonathan N. Edwards, P.E.
CityScape Consultants, Inc.
Appendix
Exhibit A - Proposed Support Structure
Exhibit B – Proposed Ground Compound
June 18, 2019

Amy J. McNeill, Zoning Administrator
115 Chatham Street, Suite 1, Sanford, NC 27330

Re: Letter for Verizon Wireless site: Watsons Nursery

Dear Ms. McNeill:

I submit this letter in support of Verizon Wireless’s application for a Special Use Permit to construct and operate a cell tower. Specifically, this letter addresses the first sentence of the Ordinance Section 5.33.2 Standards – 5.33.2.1 Generally (a) which states:

(a) Towers shall not interfere with normal radio and television reception in the vicinity.

Verizon Wireless certifies that it will comply with all FCC rules regarding interference to other radio services

I trust that this letter satisfies the concerns stated by your consultant. Please let me know if anything further is required.

Very truly yours,

Michael Haven
Real Estate Manager
Verizon Wireless
ADJACENT PROPERTY OWNER NOTIFICATION CERTIFICATION

I, Thomas Mierisch, hereby certify that the property owners and adjacent property owners of the following Special Use Permit Application, as indicated on the Lee County Tax Maps, were notified by First Class U.S. Mail on Friday, June 28, 2019.

1. Application by Faulk & Foster for Verizon Wireless to obtain a Special Use Permit for a proposed telecommunications tower to be located on a 49.8 +/- acre vacant tract of land located in the northeastern quadrant of the US Hwy 421 Bypass and Rice Road intersection and addressed as 2031/2035 Rice Road on land owned by Gary M. Thomas and Pamela D. Thomas. The site is located within the unincorporated area of Lee County and is zoned Residential Agricultural (RA). Per the Unified Development Ordinance (UDO), Article 4 Zoning District Regulations, Section 4.6 Use Regulations, Table 4.6-1 Permitted Use Matrix, a new telecommunications tower is permitted in the Residential Agricultural (RA) zoning district upon issuance of a Special Use Permit, subject to Article 5 Supplemental Development Regulations, Section 5.33 Telecommunications Towers. The property is the same as depicted on Lee County Tax Maps 9662.02, 9662.01, and 9662.04 as Tax Parcel 9662-55-4654-00, Lee County Land Records.

Signature: [Signature]
Date: 7/2/19
Title: PLANNER I

Lee County, North Carolina

[Notary Public Signature]
My Commission expires [Seal]
June 28, 2019

Dear Adjacent Property Owner:

The Zoning Ordinance of Lee County, North Carolina requires that adjacent property owners be notified when a request for a Special Use Permit has been scheduled for a public hearing before the Lee County Board of Adjustment. The action prompting this notice is listed below.

Notice is hereby given that the Lee County Board of Adjustment will conduct public hearings on Monday, July 8, 2019 in the Buggy Conference Room of the Historic Buggy Company Building at 115 Chatham Street, Sanford, NC. The public hearing will begin at 6:00p.m. or as soon thereafter as deemed practical by the Board to consider the following application:

1. Application by Faulk & Foster for Verizon Wireless to obtain a Special Use Permit for a proposed telecommunications tower to be located on a 49.8 +/- acre vacant tract of land located in the northeastern quadrant of the US Hwy 421 Bypass and Rice Road intersection and addressed as 2031/2035 Rice Road on land owned by Gary M. Thomas and Pamela D. Thomas. The site is located within the unincorporated area of Lee County and is zoned Residential Agricultural (RA). Per the Unified Development Ordinance (UDO), Article 4 Zoning District Regulations, Section 4.6 Use Regulations, Table 4.6-1 Permitted Use Matrix, a new telecommunications tower is permitted in the Residential Agricultural (RA) zoning district upon issuance of a Special Use Permit, subject to Article 5 Supplemental Development Regulations, Section 5.33 Telecommunications Towers. The property is the same as depicted on Lee County Tax Maps 9662.02, 9662.01, and 9662.04 as Tax Parcel 9662-55-4654-00, Lee County Land Records.

The public is cordially invited to attend this quasi-judicial hearing. Due process requirements for quasi-judicial decisions mandate that certain standards be observed when these decisions are made. This includes the right of parties for or against the proposal to offer evidence, have sworn testimony, and have findings of fact supported by competent, substantial and material evidence. All interested parties have the right to be represented by an attorney. Further information may be obtained from the Sanford/Lee County Zoning & Design Review Department, 115 Chatham Street, Suite 1, Sanford, NC 27330 or by contacting Amy J. McNeill, Zoning Administrator at 919-718-4656, Ext. 5397 or amy.mcneill@sanfordnc.net. Upon request and with 24-hour notice, the City will provide an interpreter for the hearing impaired or any other auxiliary aid.

If attending the meeting, please access the building via the ground level entrance from the large public parking area at the rear of the building located between Charlotte Avenue & McIver Street and take the elevator to the Buggy Conference Room on the first floor.
Cualquier cuidadano que tenga preguntas o comentarios de las cosas al referido, puede comunicarse a el departamento de desarrollo para Sanford/Condado de Lee, llame al (919) 718-4656.

Please be aware that staff has been instructed to provide the following general information to adjacent property owners for future reference if/when the site associated with this Special Use Permit is developed. The City of Sanford, Lee County and the Town of Broadway do not have local grading permits and rely on the North Carolina Department of Environmental Quality to regulate land disturbing activities. For questions or concerns regarding land disturbing activities, please contact the North Carolina Division of Energy, Mineral, and Land Resources Sediment Program at 1612 Mail Service Center, Raleigh, NC 27699-1612 or call 919-707-9220 or visit the NCDEQ website at http://deq.nc.gov.

Attachment: GIS Map of Site
<table>
<thead>
<tr>
<th>No.</th>
<th>PIN</th>
<th>PROP ADDR</th>
<th>OWNER 1</th>
<th>OWNER2</th>
<th>M #</th>
<th>MAIL ST</th>
<th>MAILCITY</th>
<th>ST</th>
<th>ZIP</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>9662-54-6621-00</td>
<td>2017 RICE ROAD</td>
<td>COLTRANE, REBECCA BUCHANAN</td>
<td></td>
<td>2021</td>
<td>RICE RD</td>
<td>Sanford</td>
<td>NC</td>
<td>27330</td>
</tr>
<tr>
<td>02</td>
<td>9662-54-8894-00</td>
<td>2021/2027 RICE RD</td>
<td>BUCHANAN, LOUISE S</td>
<td></td>
<td>2021</td>
<td>RICE RD</td>
<td>Sanford</td>
<td>NC</td>
<td>27330</td>
</tr>
<tr>
<td>03</td>
<td>9662-64-1678-00</td>
<td>2023 RICE RD</td>
<td>MANSFIELD, ANGELA K</td>
<td></td>
<td>2023</td>
<td>RICE RD</td>
<td>Sanford</td>
<td>NC</td>
<td>27330</td>
</tr>
<tr>
<td>04</td>
<td>9662-64-4640-00</td>
<td>2037 RICE RD</td>
<td>HUNTER, JAMES L</td>
<td>HUNTER, PATTY T</td>
<td>2037</td>
<td>RICE RD</td>
<td>Sanford</td>
<td>NC</td>
<td>27330</td>
</tr>
<tr>
<td>05</td>
<td>9662-65-1011-00</td>
<td>107 WATSON NURSERY LN</td>
<td>HUNTER, JAMES L</td>
<td>HUNTER, PATTY T</td>
<td>2037</td>
<td>RICE RD</td>
<td>Sanford</td>
<td>NC</td>
<td>27330</td>
</tr>
<tr>
<td>06</td>
<td>9662-65-3091-00</td>
<td>103 WATSON NURSERY LN</td>
<td>HUNTER, RONALD JAMES</td>
<td></td>
<td>103</td>
<td>WATSON NURSERY LN</td>
<td>Sanford</td>
<td>NC</td>
<td>27330</td>
</tr>
<tr>
<td>07</td>
<td>9662-65-3202-00</td>
<td>179 WATSON NURSERY LN</td>
<td>ISENHOUR, BRANDON L</td>
<td>ISENHOUR, MALINDA B</td>
<td>179</td>
<td>WATSON NURSERY LN</td>
<td>Sanford</td>
<td>NC</td>
<td>27330</td>
</tr>
<tr>
<td>08</td>
<td>9662-65-3625-00</td>
<td>287 WATSON NURSERY LN</td>
<td>WATSON, WILLIAM DAVID</td>
<td>WATSON, GAYE H</td>
<td>230</td>
<td>WATSON NURSERY LN</td>
<td>Sanford</td>
<td>NC</td>
<td>27330</td>
</tr>
<tr>
<td>09</td>
<td>9662-66-1780-00</td>
<td>0 RICE RD</td>
<td>WATSON, WILLIAM DAVID</td>
<td></td>
<td>230</td>
<td>WATSON NURSERY LN</td>
<td>Sanford</td>
<td>NC</td>
<td>27330</td>
</tr>
<tr>
<td>10</td>
<td>9662-57-6316-00</td>
<td>0 O'QUINN RD</td>
<td>WATSON, WILLIAM DAVID</td>
<td>WATSON, GAYE H</td>
<td>230</td>
<td>WATSON NURSERY LN</td>
<td>Sanford</td>
<td>NC</td>
<td>27330</td>
</tr>
<tr>
<td>11</td>
<td>9662-46-6965-00</td>
<td>1325 O'QUINN RD</td>
<td>YARBOROUGH, JAMES HENRY (HEIRS)</td>
<td></td>
<td>1513</td>
<td>WINTERLOCKEN ROAD</td>
<td>Sanford</td>
<td>NC</td>
<td>27330</td>
</tr>
<tr>
<td>12</td>
<td>9662-46-3657-00</td>
<td>1329 O'QUINN RD</td>
<td>SMITH, HELEN</td>
<td></td>
<td>1513</td>
<td>WINTERLOCKEN ROAD</td>
<td>Sanford</td>
<td>NC</td>
<td>27330</td>
</tr>
<tr>
<td>13</td>
<td>9662-46-5411-00</td>
<td>0 O'QUINN RD</td>
<td>THOMAS, DONALD G</td>
<td>THOMAS, MARIE B</td>
<td>1903</td>
<td>BROADWAY RD</td>
<td>Sanford</td>
<td>NC</td>
<td>27330</td>
</tr>
<tr>
<td>14</td>
<td>9662-46-0135-00</td>
<td>1341 O'QUINN RD</td>
<td>BRUCE, RODNEY M</td>
<td></td>
<td>1341</td>
<td>O'QUINN RD</td>
<td>Sanford</td>
<td>NC</td>
<td>27330</td>
</tr>
<tr>
<td>15</td>
<td>9662-45-0269-00</td>
<td>1417 O'QUINN RD</td>
<td>CALCUTT, CECIL JACK</td>
<td></td>
<td>1471</td>
<td>O'QUINN RD</td>
<td>Sanford</td>
<td>NC</td>
<td>27330</td>
</tr>
<tr>
<td>16</td>
<td>9662-44-5875-00</td>
<td>0 RICE RD</td>
<td>THOMAS, GARY MILTON</td>
<td>THOMAS, PAMELA D</td>
<td>443</td>
<td>THOMAS RD</td>
<td>Sanford</td>
<td>NC</td>
<td>27330</td>
</tr>
<tr>
<td>17</td>
<td>9662-44-5648-00</td>
<td>1935 RICE RD</td>
<td>SMALL, GARY</td>
<td></td>
<td>1935</td>
<td>RICE RD</td>
<td>Sanford</td>
<td>NC</td>
<td>27330</td>
</tr>
<tr>
<td>18</td>
<td>9662-54-2395-00</td>
<td>2008 RICE RD</td>
<td>PRIEST, DANIEL HERBERT</td>
<td></td>
<td>475</td>
<td>WAHALA DR</td>
<td>CARTHAGE</td>
<td>NC</td>
<td>28327</td>
</tr>
<tr>
<td>19</td>
<td>9662-54-4355-00</td>
<td>2012 RICE RD</td>
<td>GONZALEZ, JOSHUA M</td>
<td></td>
<td>2012</td>
<td>RICE RD</td>
<td>Sanford</td>
<td>NC</td>
<td>27330</td>
</tr>
<tr>
<td>20</td>
<td>9662-54-5393-00</td>
<td>2016 RICE RD</td>
<td>MATTHEWS, JACK KELLY</td>
<td>MATTHEWS, SHIRLEY B</td>
<td>2016</td>
<td>RICE RD</td>
<td>Sanford</td>
<td>NC</td>
<td>27330</td>
</tr>
</tbody>
</table>

APPLICANT: Faulk & Foster for Verizon Wireless

PROPERTY OWNER : THOMAS, GARY MILTON

(0) = No address assigned to this parcel. Typically, it is vacant
Notice is hereby given that the Lee County Board of Adjustment will conduct public hearings on Monday, July 8, 2019 in the Buggy Conference Room of the Historic Buggy Company Building at 115 Chatham Street, Sanford, NC. The public hearing will begin at 6:00 p.m. or as soon thereafter as deemed practical by the Board to consider the following application:

1. Application by Faulk & Foster for Verizon Wireless to obtain a Special Use Permit for a proposed telecommunications tower to be located on a 49.8 +/- acre vacant tract of land located in the northeastern quadrant of the US Hwy 421 Bypass and Rice Road intersection and addressed as 2031/2035 Rice Road on land owned by Gary M. Thomas and Pamela D. Thomas. The site is located within the unincorporated area of Lee County and is zoned Residential Agricultural (RA). Per the Unified Development Ordinance (UDO), Article 4 Zoning District Regulations, Section 4.6 Use Regulations, Table 4.6-1 Permitted Use Matrix, a new telecommunications tower is permitted in the Residential Agricultural (RA) zoning district upon issuance of a Special Use Permit, subject to Article 5 Supplemental Development Regulations, Section 5.33 Telecommunications Towers. The property is the same as depicted on Lee County Tax Maps 9662.02, 9662.01, and 9662.04 as Tax Parcel 9662-55-4654-00, Lee County Land Records.

The public is cordially invited to attend this quasi-judicial hearing. Due process requirements for quasi-judicial decisions mandate that certain standards be observed when these decisions are made. This includes the right of parties for or against the proposal to offer evidence, have sworn testimony, and have findings of fact supported by competent, substantial and material evidence. All interested parties have the right to be represented by an attorney. Further information may be obtained from the Sanford/Lee County Zoning & Design Review Department, 115 Chatham Street, Suite 1, Sanford, NC 27330 or by contacting Amy J. McNeill, Zoning Administrator at 919-718-4656, Ext. 5397 or amy.mcneill@sanfordnc.net. Upon request and with 24-hour notice, the City will provide an interpreter for the hearing impaired or any other auxiliary aid.

If attending the meeting, please access the building via the ground level entrance from the large public parking area at the rear of the building located between Charlotte Avenue & McIver Street and take the elevator to the Buggy Conference Room on the first floor.

Cualquier cuidadano que tenga preguntas o comentarios de las cosas al referido, puede comunicarse a el departamento de desarrollo para Sanford/Condado de Lee, llame al (919) 718-4656.

Thank you.
By Whitney Parrish, Deputy Clerk
Lee County Board of Commissioners

Please publish in the Legal Notice Section of the Sanford Herald on Friday, June 28, 2019 and Friday, July 5, 2019. If you have any questions regarding this notice, please contact Amy J. McNeill at 919-718-4656, Ext. 5397 or amy.mcneill@sanfordnc.net. Charge to Account 300031885 and refer to as Lee County Board of Adjustment Notice.

Please send publisher’s affidavit to the Sanford/Lee County Community Development Dept., P.O. Box 3729, Sanford, NC, and attention: Angela Baker. Thank you.
1. **PRELIMINARY MATTERS**

1) Note for the record the presence of a quorum.

2) Chairman calls the meeting to order.

3) Approval of agenda. (Board members may add or delete items upon a majority vote.)

4) Approval of minutes of previous meeting.

5) Disclosure of conflict of interest and ex-parte communication by Board Members.

   *Conflict of Interest (Defined under new law) - A member of the board or any other body exercising quasi-judicial functions pursuant to this Ordinance shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible conflicts include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.*

6) Old Business.

7) New Business.

2. **SPECIAL USE HEARING**

1) Chairman to announce the case:

   “We will now hold a public hearing to consider the next matter on the agenda, which is the application of: Mr. /Mrs. XXXXXXXX, seeking a Special Use permit for “______________________________.”

2) Chairman to read statement:

   A Special Use hearing is a quasi-judicial hearing which means that all parties have the right to offer evidence, cross-examine adverse witnesses, inspect documents, have sworn testimony, have the decision based only on evidence that is properly in the hearing record, and have written findings of fact supported by competent, substantial and material evidence.
Since this is a quasi-judicial hearing, it is improper for a member of the Board of Adjustment to discuss this case or to independently gather evidence outside of this hearing.

3) Chairman then ask:
   Does any board member have a conflict that they need to disclose?

4) Chairman then states:
   Those wishing to testify must be sworn; however, anyone in attendance may ask questions of the person testifying.

5) Chairman then ask the following questions:
   A. Are the applicant(s) Mr. /Mrs. _____________________ present?
   B. Are you ready to proceed?
   C. Are you represented by counsel?

6) Chairman calls for all witnesses who will testify in favor of the application to come forward to be sworn.

7) Chairman then calls for all witnesses who will testify in opposition to the petition to come forward and be sworn.

8) Chairman then call on the applicant or his counsel to present their case in favor of granting the Special Use Permit.

The PROCEDURE with applicant will be as follows:
   A) Applicant/counsel testifies
   B) Those in opposition cross-examine the applicant/counsel
   C) Questions from the Board of Adjustment
   D) Redirect examination of applicant/counsel
   E) Re-cross examination of applicant/counsel by those in opposition
   F) Further questions by Board of Adjustment
   G) Questions by public (Must give name and address for the record)

9) Chairman then call on witnesses in favor of application to speak, and observe the same procedure as noted above.

10) After the applicant has completed presenting his/her case, Chairman then call upon those in opposition to the application to present their witnesses.
The PROCEDURE with witnesses will be as follows:
A) Witness/counsel in opposition testifies

B) Applicant or his counsel cross-examines witness in opposition

C) Questions from the Board of Adjustment

D) Redirect examination by witness in opposition

E) Re-cross examination of witness in opposition by applicant

F) Further questions by Board of Adjustment

G) Questions by public (Must give name and address for the record)

11) Chairman to call the next and each succeeding witness in opposition to speak, and observe the same procedure as noted above)

12) After all witnesses for the applicant and those that are in opposition have testified, call upon the applicant to present whatever evidence he/she has in rebuttal. (Note: This is not an invitation to rehash everything the applicant/counsel or those in opposition has gone over in their direct testimony, but is the opportunity to present new evidence that the applicant/council or those in opposition has in rebuttal to what the other has stated.)

The REBUTTAL process:
A) Applicant/counsel can present any new evidence they have for rebuttal.

B) After the applicant/counsel rebuttal has been presented, then the opponents have the opportunity to present any new evidence in rebuttal.

13) This would complete the hearing of evidence in the matter unless either party should ask for a chance to present further evidence. This would be a matter within the discretion of the Board.

14) Chairman to call on the applicant/counsel to present their summation or argument to the Board in favor of granting the Special Use Permit.

15) Chairman to call on those in opposition to present their summation or argument to the Board as to why the Special Use Permit should be denied.

Finally, after all evidence and the rebuttals have been presented,

16) The Chairman should summarize the evidence. (The secretary should write this summary down for inclusion in the minutes.)
17) The Chairman should tell the parties that the summary is intended to be the record of what has been presented and that they may offer any objections, corrections, or additions that will more accurately present their case.

This concludes the hearing and the Board shall then deliberate and make a decision.

18) The Chairman should state for the Board and those in attendance, that the granting of the Special Use Permit is based upon four findings of fact. Each finding requires a majority vote by the Board to be approved. When voting, the Board must render a decision on each of the required findings and *must state a reason for approval or denial of each finding of fact. (*The Board members should indicate for each required finding the evidence on which the finding was based. On the basis of these findings, a Board member should offer a motion either to grant or deny the Special Use Permit. This motion should be discussed and any suitable conditions appended to it.)

19) Chairman should also state that if one of the required finding fail, they all fail.

**In granting the Special Use Permit, the Board of Adjustment shall find:**

1. That the use will not materially endanger the public health or safety if located where proposed and developed according to the application and plan as submitted and approved;

2. That the use meets all required conditions and specifications;

3. That the use will not substantially injure the value of the adjoining or abutting property, or that the use is a public necessity; and

4. That the location and character of the use, if developed according to the application and plan submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the Land Use Plan for Sanford and Lee County.

Note: Reasonable and appropriate conditions may be imposed upon these permits.

**After the Board’s decision has been rendered,**

This decision is effective upon filing the written decision with the clerk to the board. This decision shall be subject to review by the superior court. If anyone is dissatisfied with the decision of the Board, an appeal may be taken to the Lee County Superior Court within 30 days after the decision has been filed in the clerk to the board in the Planning Department.