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**THE TOWN OF KILL DEVIL HILLS  
NORTH CAROLINA**

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**PLANNING DEPARTMENT**

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April 24, 2019

Memorandum

To: Debbie Diaz, Town Manager

From: Cameron Ray, Assistant Planning Director 

Subject: Proposed Zoning Amendment to **§153.075(C) Telecommunication Towers** –  
*Use Guidelines and Dimensional Requirements* – Modify setbacks for Monopole  
Towers

The Town is in the process of replacing the water tank located at 1634 North Croatan Highway (Fire Station). As part of the project, a telecommunication monopole will be erected to house the wireless antennas that are currently located on the existing water tower. In reviewing the tower regulation, we have discovered that technology and tower construction have changed since this ordinance was originally written in 1999.

The attached amendment provides greater incentives for co-location of services on a tower and the use of a monopole. Additionally, the proposal modifies the failure or collapse zone to include no building or structures and that it be certified by a NC licensed design professional. Finally, the setbacks are modified to agree with the fall zone requirements and certified by NC licensed design professional.

These modifications are consistent with current tower practices and will protect surrounding structures and properties in the event the tower were to fail. The Planning Board reviewed this request on April 16, 2019 and forwarded it to the Board with a favorable recommendation. Staff recommends setting the public hearing for the May 13, 2019 Board of Commissioners meeting.

**ATTACHMENT CA-4B**

(C) *Use guidelines and dimensional requirements.*

(8) The proposed tower shall be set back from all publicly owned roads or rights-of-way a distance equal to the tower height divided by three. If visible from any public road or right-of-way, a landscape plan is required indicating how the applicant proposes to screen any accessory structure or equipment from view.

(9) Setbacks of the base of the tower from all adjacent property lines shall be one foot for each foot of tower height. To encourage shared use of towers, applications for towers which will operate with more than one user immediately upon completion may have a ~~10%~~ 15% reduction in the required setbacks, but in no case shall the setback be less than those required for the underlying zoning district. Also, to encourage the construction of monopole structures, monopole towers may have a ~~20%~~ 25% reduction in the required setbacks. Monopole towers which will immediately operate with more than one user may have a 40% reduction in the required setbacks. To encourage location of towers in forested areas with a minimum depth of 65 feet, the tower may have a 20% reduction in the required setbacks. In no case shall the setback be less than those required for the underlying zoning district. The setback reductions shall only be allowed upon a ~~professional engineering~~ certification by a North Carolina licensed design professional which states that the structure's design and construction are such that, in the event of structural loadings in excess of design and resulting failure or collapse, all portions of the tower will fall within an identified area (the Fall Zone), and that no buildings or structures on adjacent zoning lots lie within said Fall Zone. Such certification shall consider potential future structures which may be constructed on such adjacent lots, subject to the limitations of existing setbacks and permanent easements on such lots. ~~will cause the tower to crumble inward so that in the event of collapse no damage to structures on adjacent zoning lots will result.~~

(10) Except where setback reductions are allowed under the previous paragraph, the proposed tower shall be set back from all property lines a distance equal to the proposed tower's radius or extent of the fall zone ~~fall zone~~ Fall Zone as certified by a registered North Carolina licensed design professional ~~engineer~~ plus 30 feet.

(11) The proposed tower shall be set back a distance equal to the tower's height plus 50 feet from any residential structure.

(12) Notice shall be provided to the Planning Department when the tower is placed out of service. Towers that are not used for a period of six months or more shall be removed by the owner within 120 days of owner's receipt of notification to that effect. Any tower, antenna, accessory structure or equipment that is not used for communication purposes for more than 120 days shall be considered abandoned and shall be removed by the owner within 60 days of owner's receipt of notification. The Building Inspector may establish a shorter period of time for removal of a tower that is structurally unsound.

## PLANNING BOARD REPORT

Per NCGS 160A-387, all proposed amendments to the zoning ordinance or zoning map shall have a written report provided from the Planning Board to the Town Council within 30 days of referral of the amendment to the Planning Board, or the Town Council may proceed in its consideration of the amendment without the Planning Board report. Furthermore, in no case is the Town Council bound by the recommendations, if any, of the Planning Board.

Per NCGS 160A-383, the Planning Board shall advise and comment on whether the proposed zoning amendment is consistent with all applicable officially adopted plans, and provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the officially adopted plans shall not preclude consideration or approval of the proposed amendment by the Town Council.

### PLANNING BOARD RECOMMENDATIONS

**Proposed Amendment Title:** Proposed Zoning Amendment to §153.075(C) Telecommunication Towers – Use Guidelines and Dimensional Requirements – Modify setbacks for Monopole Towers

**Approval:** Planning Board finds that the proposed zoning amendment to §153.075(C) Telecommunication Towers – Use Guidelines and Dimensional Requirements to modify setbacks for monopole towers is consistent with the adopted Land Use Plan.

**Therefore,** the Planning Board finds the proposed amendment is consistent with the objectives and policies contained in the Kill Devil Hills Land Use Plan and/ or other officially adopted plans of the Town that are applicable.

This report reflects the recommendation of the Planning Board with a vote of 6 to 0, this the ~~fifteenth~~ day of April 2019.

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*ISBB*

Attest:

  
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Planning Board Chairman

  
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Secretary of Planning Board