

RESOLUTION OF PLANNING BOARD RECOMMENDING THAT THE BUNCOMBE COUNTY BOARD OF COMMISSIONERS AMEND THE TEXT OF CHAPTER 78 OF THE BUNCOMBE COUNTY CODE OF ORDINANCES, THE ZONING ORDINANCE OF BUNCOMBE COUNTY, and STATEMENT OF CONSISTENCY

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- WHEREAS, on December 1, 2009, the Buncombe County Commissioners enacted Buncombe County Ordinance No. 09-12-01 which established a comprehensive zoning plan for the properties located in Buncombe County outside of the boundaries of incorporated municipalities and their zoning jurisdictions;
- WHEREAS, the provisions set forth in Division 8 of Article VI of the Buncombe County Code of Ordinances were met prior to the public hearing at which this recommendation was considered;
- WHEREAS, the Buncombe County Planning Board reviewed proposed amendments to the text of The Zoning Ordinance of Buncombe County, North Carolina at a number of regular meetings prior to February 21, 2011 with considerable public input, and at the February 21, 2011 regular meeting of the Planning Board;
- WHEREAS, the Planning Board found that the proposed amendments regarding the exemption of public safety communications towers from the Zoning Ordinance of Buncombe County with the exception of providing proper written notice and the grouping of telecommunications towers with radio and TV towers as a single category of use are consistent with the Buncombe County Comprehensive Land Use Plan and updates, as the 2006 update (I. Introduction) indicated that the Plan Update and subsequent recommendations were meant to help manage "growth in a manner that is mindful of ... capacity to provide needed infrastructure." As public safety communications towers host the County's communications infrastructure, providing vital services such as E-911 dispatching, the exemption of these towers from restrictions which might slow needed upgrades to the communications network are in line with the spirit of the Update. Furthermore, these proposed amendments do not contradict the Buncombe County Comprehensive Land Use Plan or updates and instead provide an opportunity to ensure public safety;
- WHEREAS, the Planning Board found that the proposed amendments to the text are reasonable and in the public interest as public safety communications towers are required to provide necessary and immediate emergency services within the community and as such the immediate required location of any tower should not be delayed by zoning regulations, which are meant to protect the public safety and welfare; and
- WHEREAS, it is the recommendation of the Planning Board that The Zoning Ordinance of Buncombe County be amended as follows:

**Amend Sec. 78-580. Exemptions.**

This article shall in no way regulate, prohibit, or otherwise deter any public safety communications tower except that written notice by certified mail of the intent to erect a public safety communications tower shall be sent to all adjoining landowners of the proposed facility and to all owners of property within 500 feet of the proposed facility. No building permit shall be issued for a period of 30 days after sending the notice, unless written statements are received from all parties required to be notified indicating that they have no objection to the facility.

**Amend Sec. 78-581. Definitions.**

Public safety communications tower means any tower exceeding 20 feet in height erected for the purpose of transmitting and relaying critical voice and data communications for public safety personnel including but not limited to emergency services, law enforcement and fire protection services.

Telecommunications tower means any tower exceeding 20 feet in height erected for the purpose of transmitting or receiving telephonic or radio signals over the airwaves as a commercial service, but shall not include any structures erected solely for a noncommercial individual use such as residential television antennas, satellite dishes, or ham radio antennas; a commercial use that is purely incidental to other business activities of the owner; or AM radio towers.

**Amend Section 78-641 (a) Permitted use table.**

	R-LD	R-1	R-2	R-3	NS	CS	EMP	PS	BDM	OU
Radio, <del>and</del> TV <u>and telecommunications</u> towers	C			C		C	C	C		P

**Amend Section 78-645. Steep Slope/High Elevation Overlay District permitted use table.**

	R-LD	R-1	R-2	R-3	NS	CS	EMP	PS	BDM	OU
Radio, <del>and</del> TV <u>and telecommunications</u> towers	C			C		C	C	C		C

**Amend Section 78-646. Protected Ridge Overlay District permitted use table by deleting the classification "Government Radio and TV towers".**

	R-LD	R-1	R-2	R-3	NS	CS	EMP	PS	BDM	OU
Government Radio and TV towers	P			P		P	P	P		P

NOW, THEREFORE, BE IT RESOLVED that upon motion and second, the Buncombe County Planning Board hereby finds and concludes as follows:

1. This Planning Board hereby recommends that the Board of Commissioners amend Chapter 78 of the Buncombe County Code of Ordinances to incorporate these amendments.
2. This resolution is approved by unanimous vote and shall be effective upon its adoption.

This the 21<sup>st</sup> day of February, 2011.

BUNCOMBE COUNTY PLANNING BOARD

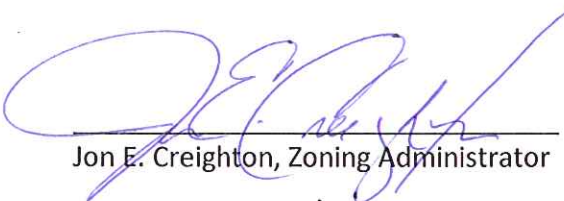
By: \_\_\_\_\_

Tom Alexander, Chairman

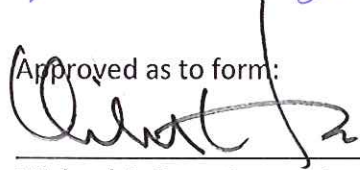
Consented to:

Planning Board Members:

Les Mitchell  
 Scott Hughes (absent)  
 Joe Sechler  
 Greg Phillips  
 Josh Holmes  
 Michelle Pace Wood (absent)  
 Tom Alexander  
 Bernie Kessel  
 Rod Hudgins

  
 Jon E. Creighton, Zoning Administrator

Approved as to form:

  
 Michael C. Frue, County Attorney