

PLANNING & ZONING REVIEW NOTES

IX. A.

SUBJECT: Request by the Chatham County Board of Commissioners on proposed text amendments to the Chatham County Communications Tower Ordinance to Article II, Permits and Article III, Application Submission and Review Process. The purpose of the amendments is to change the time allowed for construction of a communications tower after the approval of the tower location plan.

ATTACHMENTS: 1. Text of the proposed amendment is available on the Planning Department website.

2. Public comments are available on the Planning Department website.

INTRODUCTION / BACKGROUND / PREVIOUS BOARD ACTIONS:

During the Planning Department portion of the Board of Commissioners Summit in January 2007 there was a discussion about the time allowed for the construction of communications towers that received a permit during the annual tower plan review. Planning Department staff reviewed the Communications Towers Ordinance and determined that corrections were needed to clarify the language for the permitting and construction of communications towers.

ISSUES FOR FURTHER DISCUSSION AND ANALYSIS:

The proposed text amendments to the Communications Towers Ordinance are intended to clarify the permitting and approval process for communications towers. The amendments adjust the ordinance text to match current Planning Department practices and specify the time period for construction of an approved communications tower. During the Planning Department review it was determined that there had been no problems with the processing of previous communications tower applications or the construction of communications towers, but amendments would avoid potential problems in the future.

In Article II, Permits, the text indicates that a permit for a communications tower is required prior to construction. Since the adoption of the Communications Tower Ordinance new communications towers have applied for either a conditional use permit in the zoned areas of the county or an approval from the Board of Commissioners in the unzoned areas. In the zoned areas of the county the conditional use permit serves as a communications tower permit. In Section 2-5 the text indicates that a separate communications tower permit is needed, in addition to the conditional use permit, although they would serve the same purpose. Requests for new towers in the unzoned areas are submitted on the same application as a conditional use permit and have been required to follow the same notification process as those in the zoned areas.

Article II also includes language that a map of the proposed tower locations be published with the legal notice for site specific locations. This language is proposed to be deleted and similar language inserted into Article III, Section 3-1(5)(2) for the search rings. The current department practice has been to publish one map in the newspaper showing all of the proposed search rings and not separate maps for each site specific location. Article III also includes an amendment that site specific location requests can run concurrently with the search ring request. The current wording indicates that the earliest date a public hearing for a site specific location application can be held is at the same meeting when the search rings are approved.

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ISSUES FOR FURTHER DISCUSSION AND ANALYSIS – con't

One person spoke at the public hearing and indicated that the revisions did not significantly change the permitting process. Their interpretation of the current ordinance was that after the search rings and site specific locations were approved that the communications tower provider had until December of the calendar year to construct the tower. If construction of the tower was not complete before the end of December the permit was void and the tower site had to be submitted for consideration under the next annual tower review. The Planning Department has not interpreted the current ordinance wording to void a permit for a site specific location at the end of the calendar year if construction of a communications tower is not complete. Section 2-4 of the ordinance currently reads that a permit for a communications tower expires if construction is not initiated within 6 months and completed within 12 months. Section 3-1(5)(3), which covers part of the annual tower review process, does include the following statements: “Status of approved towers that are currently under construction is presented. Approved towers that have not been completed within the prescribed time may be considered as new applications at this meeting”.

The proposed amendments to the Communications Tower Ordinance are intended to clarify the permitting and approval process for communications towers. As mentioned previously the Planning Department has not encountered any problems with the current ordinance text, but do think that the proposed changes will prevent any potential problems in the future.

RECOMMENDATION: The Planning Department recommends approval of the revised text of the proposed amendment as shown in attachment 1.