



Rowan County Department of Planning & Development
 402 North Main Street – Suite 204 – Salisbury, NC 28144
 Phone: (704) 216-8588
www.rowancountync.gov/planning

MEMORANDUM

TO: Rowan County Planning Board
 FROM: Shane Stewart, Assistant Planning Director
 DATE: June 16, 2023
 RE: **ZTA 03-23: Satellite Earth Station**

SUGGESTED PLANNING BOARD ACTION

Receive staff memo Discuss (if necessary) Refer to Planning Board Subcommittee (A or B) for review and motion

REQUEST

Amazon Kuiper Infrastructure, LLC (Amazon) is requesting an amendment to sections 21-56 (6) and 21-113 of the Rowan County Zoning Ordinance to establish specific standards for a “Satellite Earth Station (Broadband Service)” and allow with Special Requirements in the RA, RR, RS, MHP, MFR, AI, NB, INST, and IND districts.

BACKGROUND

On June 21, 2022, Amazon applied for a Special Use Permit (SUP 03-22) to construct a Satellite Earth Station to provide high speed internet service across the county and surrounding area. The request was processed as a wireless support structure (SIC 48 pt) – generally defined as new or existing structure designed to support or capable of supporting wireless facilities. A “wireless facility” is defined *the set of equipment and network components, exclusive of the underlying wireless support structure or tower, including antennas, transmitters, receivers, base stations, power supplies, cabling, and associated equipment necessary to provide wireless data and wireless telecommunications services to a discrete geographic area.* In addition to the general criteria, the use is also subject to specific special use criteria in section 21-60 (4) (a) through (f) of the Zoning Ordinance.

Prior to this application, all wireless support structure requests were in the form of a monopole, lattice, or guyed “tower” used to support the requested communication equipment. On October 17, 2022, the Board of Commissioners approved Amazon’s

project, which included six (6) satellite dishes each eight (8) foot in diameter mounted on short poles located within a fenced compound.

On December 1, 2022, the Mt. Ulla Historic Preservation Society Inc. appealed the decision to Superior Court citing alleged errors in the consideration of SUP 03-22. For the purposes of this memo, additional background regarding the appeal is not included herein.

On June 5, 2023, Amazon submitted a text amendment to create a specific land use category for “satellite earth station” and standards to separate from the wireless support structure process and special use permit process.

STAFF COMMENT

Consistent with Article VI of the Rules of Procedure, staff recommends the board refer this request to a subcommittee (A or B) for review and motion.

**PROPOSAL TO AMEND
THE CODE OF ORDINANCES,
COUNTY OF ROWAN, NORTH CAROLINA**

WHEREAS, North Carolina General Statute Section NC Chapter 160D; Article 7, Zoning Regulation; Section 160D-932, Local authority; authorizes local governments to regulate, by ordinance made in accordance with the applicable comprehensive plan, the provision of adequate transportation, water, sewerage, schools, parks, and other public requirements to promote the health, safety, morals, or general welfare of the community;

WHEREAS, the leadership of Rowan County recognizes that “access to broadband service is “essential for the social and economic benefits it provides to residents, businesses, governments and communities;”

WHEREAS, the Northern, Western, and Southeastern parts of Rowan County are currently underserved in regard to broadband service;

WHEREAS, in February 2018, the Rowan County Board of Commissioner determined it necessary to form a Broadband Task Force in order to promote broadband services countywide, address the needs of unserved and underserved residents, foster public-private innovation, enhance existing capabilities, and support good governance; and

WHEREAS, the Rowan County Board of Commissioners firmly believes that it is in the public interest to amend the County’s Unified Development Ordinance described herein below.

1. **Sec. 21-113 Table of uses** is hereby amended by having the following alterations by additions are noted as **italic text** and deletions are noted as **struck through text**:

“Sec. 21-113. - Table of uses”

P – Permitted by Right P(A) – Permitted as Accessory Use SR – Permitted with Special Requirements S – Special Use CD – Conditional District	Zoning Districts									
	Residential					Nonresidential				
Use	<i>RA</i>	<i>RR</i>	<i>RS</i>	<i>MHP</i>	<i>MFR</i>	<i>AI</i>	<i>CBI</i>	<i>NB</i>	<i>INST</i>	<i>IND</i>
Transportation, communications, electric, gas and sanitary services										

Transmission tower and wireless support structures	S	S					S	S		S
<i>Satellite Earth Station (Broadband Service)</i>	SR	SR	SR	SR	SR	SR		SR	SR	SR
Co-location of wireless facilities	SR	SR	SR	SR	SR	SR		SR	SR	SR

2. **Sec. 21-56 Specific criteria for uses listed as SR in section 21-113.** is hereby amended by having the following alterations by additions are noted as *italic text* and deletions are noted as ~~struck through text~~ as follows:

(6) Additional standards applicable to specific uses listed as SR in the transportation, communication, electric, gas and sanitary services group.

h. Satellite Earth Station (Broadband Service). The County acknowledges the merits of broadband delivered by satellite for its ability to provide broadband service to previously unserved or underserved areas, including to those portions of the County that do not currently have the infrastructure to support the delivery of broadband service in a manner consistent with the objectives of the Rowan County Broadband Task Force, and further acknowledges the need to place satellite earth stations in order to allow delivery of these innovative services.

1. *Applications for a satellite earth station shall include two (2) copies of a site plan prepared by a registered professional engineer or a professional land surveyor as provided in section 21-52 including items in section 21-56(6)(e)5 and section 21-60(4)a.1.i.*
2. *The antennas located within a satellite earth station shall be a maximum of twenty (20) feet in height.*
3. *Maximum lot size. The maximum lot size is two (2) acres.*
4. *Buffer. All structures and operations shall be a minimum of 500 feet from adjacent residentially developed property lines.*
5. *Fencing. Security fencing, a minimum of six (6) feet in height, shall be installed at the station area perimeter. Clearly visible signs warning of potential RF exposure risk shall be affixed to the security fence in accordance with FCC Rules and Regulations and OET Bulletin 65. No advertising shall be posted on the security fence.*

6. *Location. These stations shall not be located within the conical or horizontal surfaces associated with the current or stated future plans for Mid-Carolina Regional Airport.*

7. *Applicant shall provide a structural analysis report of a registered North Carolina structural engineer certifying that the satellite dishes will comply with ANSI/TIA-222 G or H standards and the fall radius is within the lease area.*

8. *Noise generated by the station shall not exceed 65dBa at the proper line.*

3. **Effective Date.** This ordinance shall become effective on the date of its adoption by the Board of Commissioners.

Adopted this ____ day of _____, 2023 by the Rowan County Board of Commissioners.

Greg Edds
Chairman Rowan County Board of Commissioners

CERTIFICATION

I, Sara Pack, Clerk to the Rowan County, North Carolina, Board of Commissioners do hereby certify the foregoing to be a true copy of an ordinance duly adopted at the meeting of the County Board of Commissioners held on this ____ day of _____, 2023.

In witness whereof, I have hereunto set my hand and caused the seal of the County of Rowan to be affixed this ____ day of _____, 2023.

Sara Pack (seal)
Clerk to the Rowan County Board of Commissioners



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Planning & Development
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Case # ZTA 03-23
 Date Filed 6/5/23
 Received By SAS
 Amount Paid \$500

Office Use Only

ZONING TEXT AMENDMENT APPLICATION

APPLICANT INFORMATION

Name: Amazon Kuiper Infrastructure, LLC
 Signature: _____
 Phone: _____ Email: _____
 Address: PO Box 80863
Seattle, WA 98108

AGENT INFORMATION:

Name: Brett T. Hanna
 Signature: *Brett T. Hanna*
 Phone: 919-329-3875 Email: brett.hanna@nelsonmullins.com
 Address: 301 Hillsborough Street, Suite 1400
Raleigh, NC 27603

SECTION(S) Sec. 21-113

DESCRIPTION OF REQUESTED CHANGE:

See attached.

OFFICIAL USE ONLY

1. Signature of Coordinator: *[Signature]* 2. Planning Board Courtesy
 Hearing: / / 3. Planning Board Action: Approved Denied 4. Board of
 Commissioners Public Hearing: / / 5. Dates Advertised: 1st / / 2nd / /
 6. BOC Action: Approved Denied 7. Date Applicant Notified: / /

Amazon Kuiper Infrastructure LLC

By: _____

Name: Steven Metayer

Title: Vice President

Date Signed: June 5, 2023