

# City of Charlotte

## *Targeted Code Update*

## *Wireless Telecommunications Facilities*



***Stakeholder Meeting***  
***April 24, 2014***

# Meeting Overview

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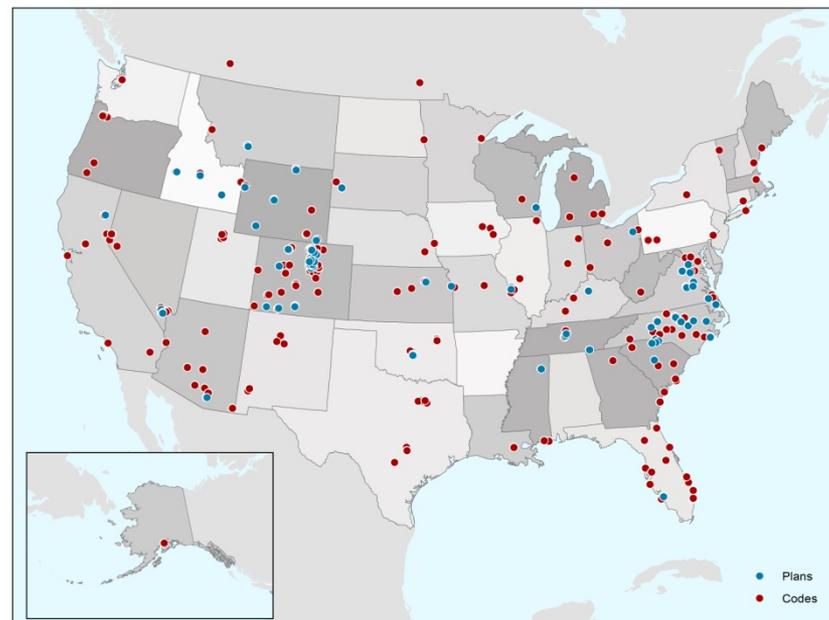
- **Meet Clarion**
- **Review Targeted Code Update Project**
- **Discuss Wireless Telecommunications Facilities Regulations**
  - Charlotte Requirements (Section 12.108)
  - National Examples
- **Open Discussion**

# Clarion Associates

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- National consulting practice (22+ years of experience)
- Offices in Colorado and North Carolina
- Planners, attorneys, designers, landscape architects
- Numerous comprehensive and targeted development code and planning projects nationwide (130 + communities)
- Prepared 2012 Assessment of Charlotte's Zoning Ordinance



# Meet the Team

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## **Matt Goebel, Esq., AICP**

- Director – project manager, lead drafter
- More than 20 years experience in planning and zoning
- Project Manager for Charlotte’s Zoning Assessment



## **Kristin Cisowski, Esq., LEED AP**

- Associate – drafting & support
- 5 years experience in engineering, planning, zoning, and development



# **Update Section 12.108**

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## **Wireless Communications Transmission Facilities (WCTF) Requirements**

# Project Background

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- Existing requirements adopted (1997)
- Various proposals for WCTFs on school grounds (2012-13)
- Zoning ordinance text amendment application submitted (by Berkeley Group, a consultant for AT&T), but not adopted (2012)
- Staff research (2012-13)
- Targeted amendment with Clarion (2014)



# 2014 Targeted Update

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## Focuses on:

- **Creating user-friendly regulations (consolidate, reorganize, reformat)**
- **Substantive issues**
  - Tower types and height
  - Setback and yard standards
  - Landscaping and screening
  - Architectural design and concealment
- **Ensuring compliance with current federal and state legal framework**

# Project Overview

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1. **Background Review of Other Codes (March 2014)**
2. **Meet with Providers (April) and Neighborhood Groups (May)**
3. **Draft Recommended Code & Alternatives**
4. **Present Draft Code to Providers and Neighborhood Groups & Revise Code**
5. **Adoption Process**



Spring

Summer

Fall

# Initial Observations

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# General Observations (Charlotte)

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## Not user-friendly

- Organization is unclear because WCTF Requirements are embedded within the city's height limitations (development standards)
- A user has to read entire section to locate specific requirements (e.g., collocation standards)
- Text is not clear or concise
- No dimensional tables or graphics



# General Observations (Other Codes)

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- **Many city's incorporate WCTF standards into their use regulations (Cary, Denver, Philadelphia)**
- **Common Characteristics**
  - Purpose statement
  - Definitions that align with standard industry terminology
  - Hierarchy of preferred types of facilities based on community desires and incentives to encourage these facilities (e.g., greater permitted max height for stealth towers)
  - Standards presented in tabular form

# Tower Type (Charlotte)

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- No hierarchy of preference
- But, regulations favor monopole and stealth design
  - Replacement towers must be monopole
  - Towers near to a residential district (within 400 ft) must be concealed



Monopole

Stealth Tower

# Tower Type (Other Codes)

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Photo credits: <http://www.nelloinc.com>

Disguised Unipole  
("slick stick")



Photo credit: <http://www.antennamgt.com>

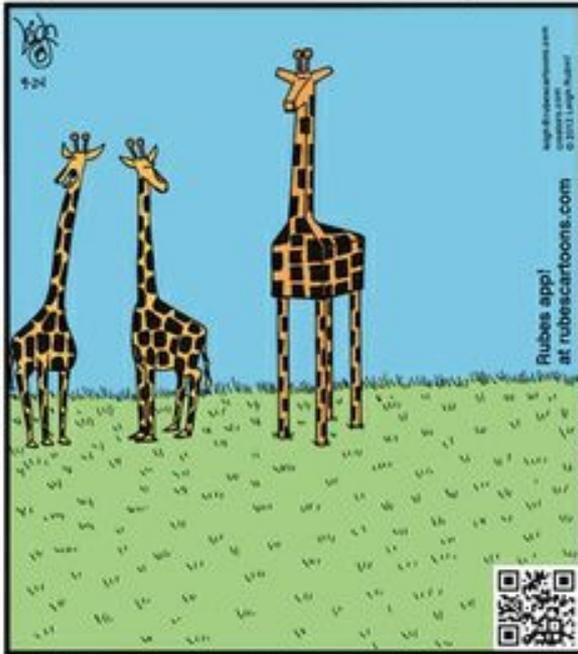
Lattice Tower

- Include a hierarchy of preference for tower types and locations (Cary)
- Incentivize stealth and monopole design (Cary, Cleveland)
- Prohibit lattice towers in some districts (Portland)

# Tower Height (Charlotte)

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"Well, if there's a new cell tower around here, I certainly haven't spotted it. Maybe we should ask the new guy."

- Up to 40 ft in any district
- Above 40 ft in any district, as a secondary or primary use, with restrictions
  - Generally, restrictions apply to facilities in or adjacent to residential areas
- **Collocation**
  - $\leq 150$  ft (2 carriers)
  - $> 150$  ft (min 3 carriers)

# Tower Height (Other Codes)

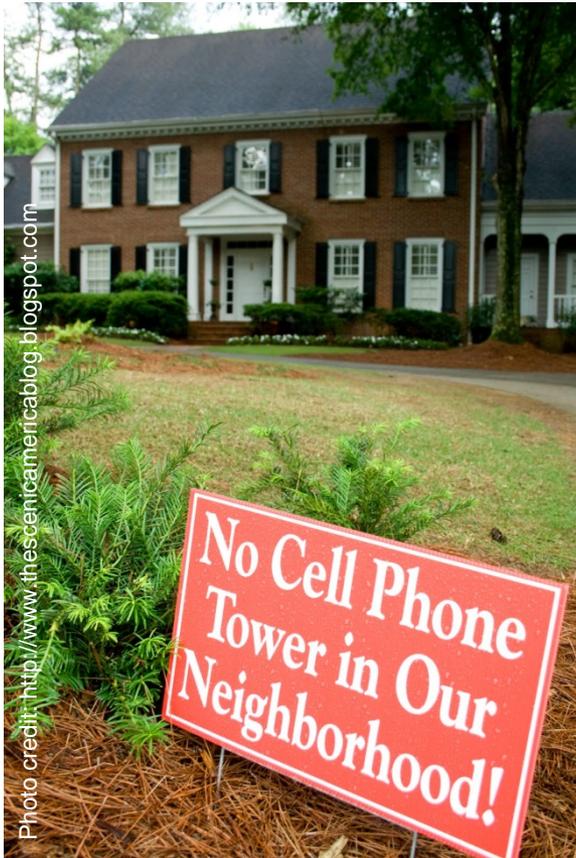
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- Often governed by underlying zoning district
- Max allowable heights vary, but most codes incentivize collocation with greater max height restrictions
- Different tower and building-mounted antenna heights identified



# Setback & Yard Standards (Charlotte)

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- Up to 40 ft, underlying zoning district standards apply
- Greater than 40 ft, standards vary (and are difficult to interpret) based on:
  - zoning district,
  - distance to a residential area, and
  - whether facility is a principal or accessory use
- **All facilities > 40 ft must be 200 ft from all residential property lines**

# Setback & Yard Standards (Other Codes)

- Generally, the standards of the underlying zoning district govern (Cary, Denver)
- Most require stricter setback standards for residential areas (Cary, Cleveland, Denver)
- Standards presented in tabular form (Denver)

**TABLE 1. TOWER SEPARATION FROM CERTAIN USES AND ZONES.**

Off-Site Use/Designated Area	Separation Distance
Single-unit or two-unit dwellings	500 feet or 3 times the height whichever is greater
Vacant platted or unplatted residentially zoned land	500 feet or 3 times the height whichever is greater
Existing multi-unit residential units	500 feet or the height of tower whichever is greater
City park and open space uses	1,000 feet
Nonresidentially zoned lands with nonresidential uses	None; only setbacks apply

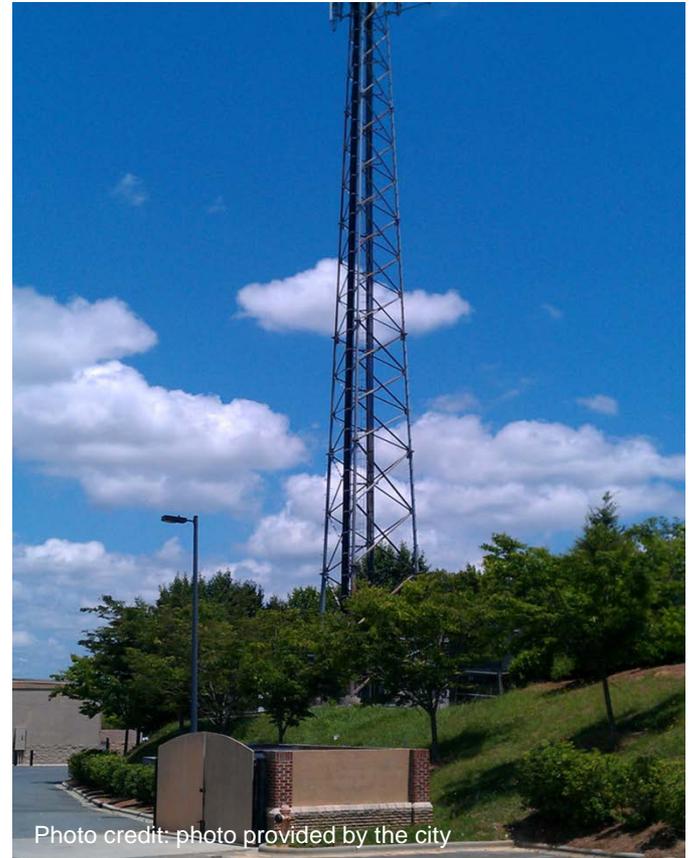


Photo credit: <http://www.scenic.org>

# Landscaping & Screening (Charlotte)

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- **Few provisions**
- **New & replacement towers**
  - a permit applicant must “in good faith consider” landscaping, screening, and design comments from adjacent property owners
- **Replacement towers**
  - must conform to landscaping and buffering requirements in effect at the time of the replacement



# Landscaping & Screening (Other Codes)

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- Landscaping and screening provisions are incorporated to minimize aesthetic impact (codes express this intent)
- Most require a fence (6 – 8 ft) around the tower base and landscaping (screening) around the fence (Cary, Cleveland, Denver)
- Some require heightened standards near residential districts (Denver)

# Architectural Design & Concealment (Charlotte)

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- No purpose statement expressing intent to minimize adverse visual impacts of towers
- Some concealment provisions, e.g.,
  - Facilities must blend into a neighborhood's character
  - WCTFs within 400 ft of a residential zoning district must be indiscernible
  - A flagpole design can only be used in non-residential (or institutional) zoning districts



# Architectural Design & Concealment (Other Codes)

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- Purpose statements express the intent to regulate the design of WCTFs to minimize adverse aesthetic impacts
- Architectural design provisions are generally subjective, e.g.,
  - “design . . . must use materials, colors, textures, screening, and landscaping that create compatibility with the natural setting and surrounding structures” (Denver)

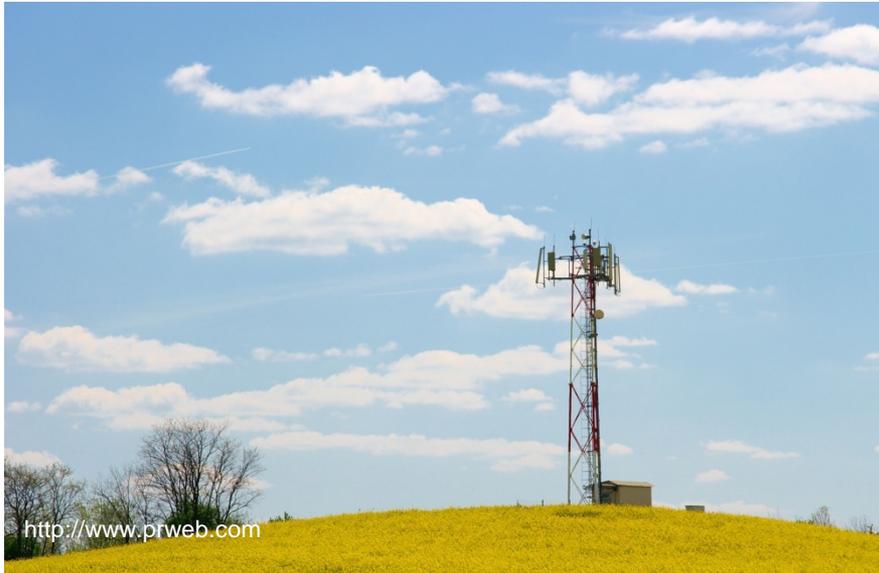


# Questions & Discussion

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- Other models to consider?
- Greatest regulatory challenges with Charlotte's code?
- Is it more or less difficult to locate in Charlotte than elsewhere?
- Other thoughts, ideas, suggestions?





**Questions?**

**Please contact:**

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