

City of Charlotte

Targeted Code Update

Wireless Telecommunications Facilities



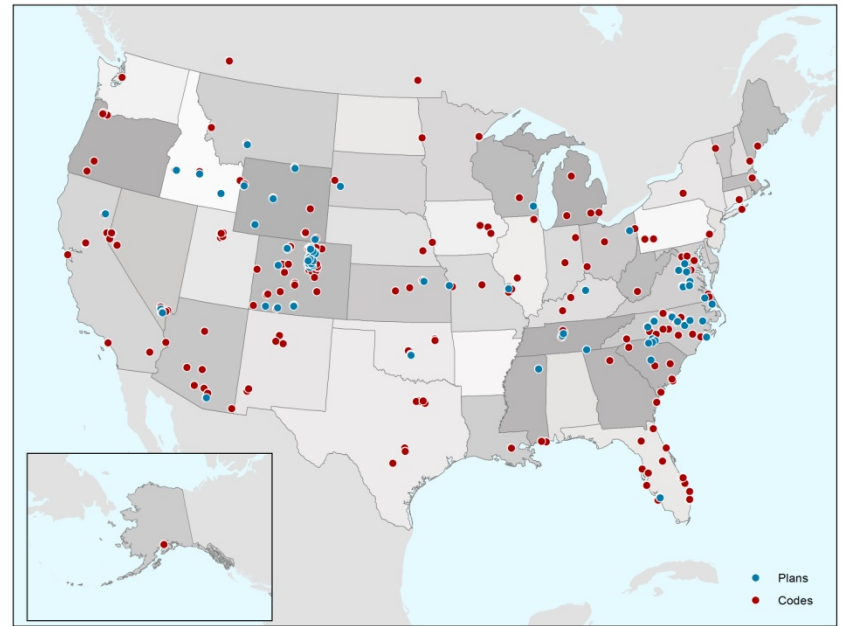
Stakeholder Meeting
April 24, 2014

Meeting Overview

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

Clarion Associates

- 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

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

Wireless Communications Transmission Facilities (WCTF) Requirements

Project Background

- 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

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

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

General Observations (Charlotte)

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)

- **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)

- 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)



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

Disguised Unipole
("slick stick")

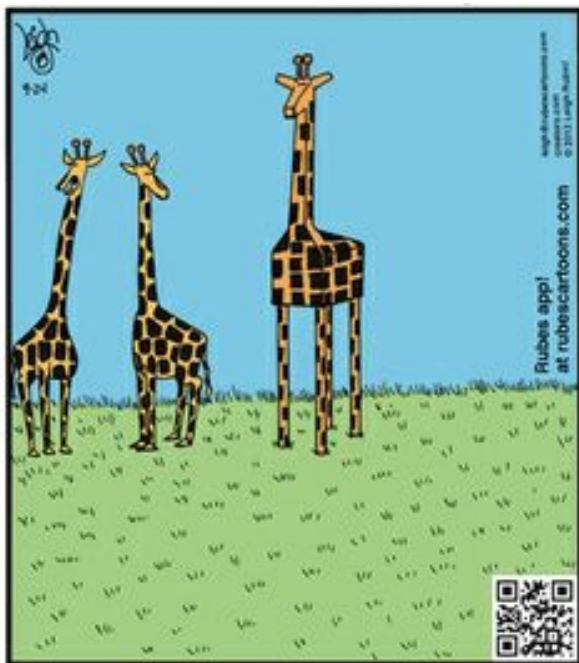


Photo credit: <http://www.antennamgt.com>

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)



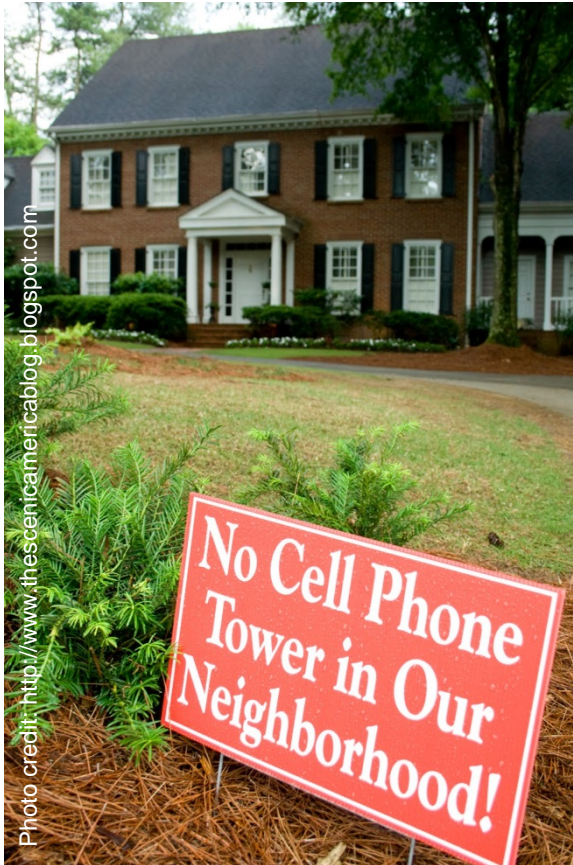
- Up to 40 ft in any district
- Above 40 ft in any district, as a secondary or primary use, with restrictions
 - Generally, restrictions apply to facilities in or adjacent to residential areas
- Collocation
 - ≤ 150 ft (2 carriers)
 - > 150 ft (min 3 carriers)

Tower Height (Other Codes)

- 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)



- 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)

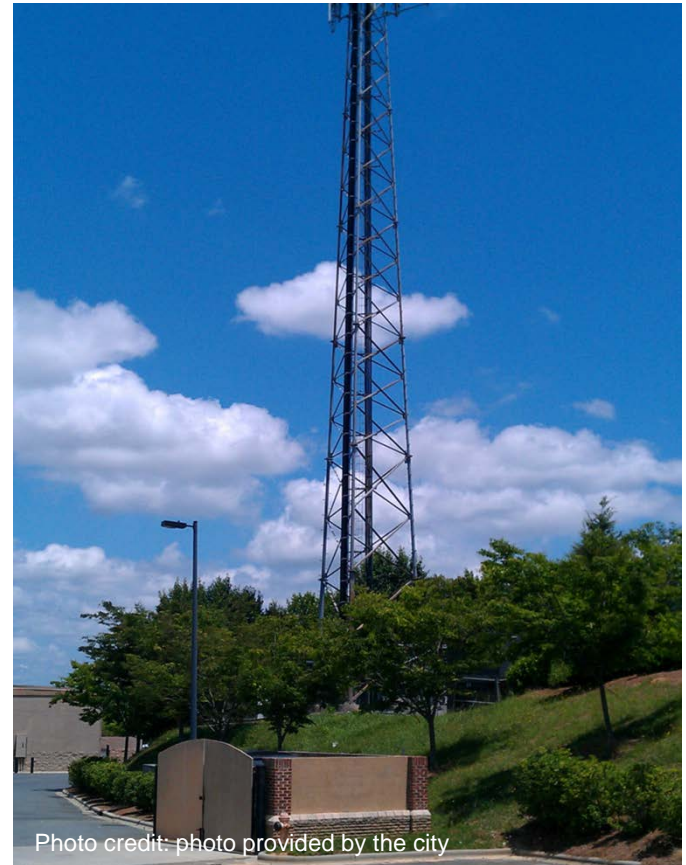
TABLE 1. TOWER SEPARATION FROM CERTAIN USES AND ZONES.

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



Landscaping & Screening (Charlotte)

- **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)



- 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)

- 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



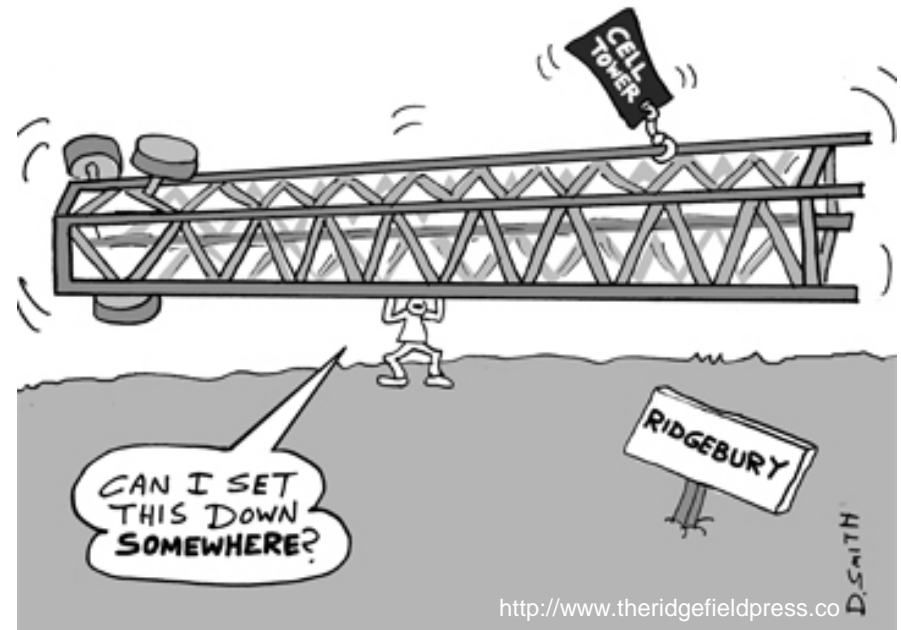
Architectural Design & Concealment (Other Codes)

- 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

- 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: **Sandra Montgomery, AICP**

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