

**ZONING APPLICATION FOR UNIFIED DEVELOPMENT ORDINANCE TEXT CHANGE
 AS PROVIDED IN THE UDO AT 155.401.3**

APPLICATION NUMBER 2019-705 DATE FILED 10/31/19
 APPLICANT'S NAME APC Towers, LLC
 APPLICANT'S MAILING ADDRESS 8602 Six Forks Road, Suite 250, Raleigh, NC 27615
 APPLICANT'S PHONE NUMBER/EMAIL ADDRESS (919)760-9668/mlee@apctowers.com

I request consideration of the following change in text of the Matthews Unified Development Ordinance:

Requested text change is:

- a change in wording to existing Section(s)
- an addition to Section(s)
- a deletion of wording at existing Section(s)

Below is the text requested to be changed, added or deleted:

Existing Section 155.506.41 (C)(5) Proposed Section _____

See referenced Existing Section (155.506.41(C)(5)) attached hereto as Exhibit A. Requested modification to Table depicted below:

MAXIMUM COMMUNICATIONS TOWER HEIGHT (FEET) IN MULTI-FAMILY, MIXED USE AND NONRESIDENTIAL ZONING DISTRICTS			
District	Adjacent to any residential zoning district		When no residential district is adjacent
	Non-stealth	Stealth	1 user/2 users/3 users/Trunked Public Safety
B-3, MUD, TS, ENT	60	80*	180* / 200 / 220 / not permitted
I-1	60	80*/***	180* / 200 / 220 / not permitted

(continue on additional page(s) as necessary)

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What is the intended effect of this request?

To amend the height allowance for stealth communications towers in the I-1 zoning district from 80' up to 120'.

APC Towers, LLC

APPLICANT SIGNATURE _____



Director of Development

(continue on additional page(s) as necessary)

developing land use character, specifically to commercial road corridors; protect residential areas and land uses from potential adverse impacts of communications facilities; preserve the low building profile and character of the downtown; protect land values of adjacent and nearby properties; minimize adverse visual impacts of any wireless facilities through careful design, siting, landscape screening, and innovative camouflaging techniques; accommodate the growing need for communications facilities; promote and encourage shared use/collocation of existing and new communications facilities as a primary option rather than construction of additional single-use facilities; encourage the use of concealment techniques in providing support and height for antennas; protect public safety as it may be impacted by construction, wind damage, electric shock, unauthorized access to facilities, structural damage on non-tower supporting structures, monitoring visitor traffic, lighting for visibility to hospital, traffic, police, or other helicopter or private aircraft, and related considerations. A communications antenna is considered a principal use or a secondary principal use on any site, except when it is either incidental to a business use on the same lot and used by that business for its operational communications. They are permitted as a secondary principal use in residential districts (R-20, R-15, R-12, R-9, R-MH, R-VS, and CrC) where a permitted nonresidential principal use exists.

B. SITING HIERARCHY PREFERENCES

The following list indicates the Town's preferences for communications facility locations, in descending order of preference:

- Antenna mounted on/in an existing stealth (concealed) structure or building
- Antenna mounted on/in an existing building/structure
- Antenna mounted on an existing utility or light pole
- Collocation on existing communications tower
- New freestanding stealth structure
- Slick stick
- New non-stealth monopole

These preferences are intended as guidance for development of an application for communication facilities.

C. STANDARDS FOR COMMUNICATION TOWERS.

1. RESIDENTIAL DISTRICTS. Antennas may be located in stealth applications on supporting structures which are or will be the principal use or a permitted accessory structure to the principal use of the site in any residential district, and shall not be more than eighty feet (80') in overall height (antenna and supporting structure). Where structures which existed as of June 9, 1997 exceed eighty feet (80') in height, such as electric transmission towers, these structures may also be used for antenna locations. When an existing stealth structure is used, communications antennas may not increase the stealth structure's height by more than twenty feet (20') per antenna, up to forty feet (40') additional in height, and only when such location shall not require the antenna to be lighted.
2. MULTI-FAMILY DISTRICTS. Antennas may be located on buildings or in stealth applications on supporting structures in the R-15MF, R-12MF, SRN, and C-MF districts, and shall not be more than eighty feet (80') in overall height (antenna and supporting structure). Where structures which existed as of June 9, 1997 exceed eighty feet (80') in height, such as electric transmission towers, these structures may also be used for antenna locations. Because these districts typically have multi-story construction, location of antennas on building walls and rooftops is the preferred application. Maximum heights are given in the table below.
3. MIXED USE AND NONRESIDENTIAL DISTRICTS. Antennas may be located on towers or other supporting structures in the R/I district (except as given in table below), and all mixed use or nonresidential districts except the HUC and AU districts up to the overall heights listed below.
4. DOWNTOWN OVERLAY DISTRICT. Only antennas, Distributed Antenna Systems (DAS), and Small Cell Sites may be installed in the Downtown Overlay District, including the HUC district. Communication towers are not permitted in the Downtown Overlay District. See § 155.506.41.D below for location requirements.

5. TABLE OF MAXIMUM TOWER HEIGHT IN VARIOUS ZONING DISTRICTS

TOWN OF MATTHEWS UNIFIED DEVELOPMENT ORDINANCE

Maximum Communications Tower Height (feet) in Multi-Family, Mixed Use and Nonresidential Zoning Districts

District	Adjacent to any residential Zoning District		When no residential district is adjacent 1 user/2 users/3 users/Trunked Public Safety
	Non-Stealth	Stealth	
R-15MF, R-12MF, SRN, C-MF	Not permitted	80*	80*/ 100/ 120/ not permitted
R/I	Not permitted	80*/***	80*/ 100 / 120 / not permitted
O	50	80*	100*/ 120 / 140 / not permitted
B-1, B-1SCD, B-D	50	80*	120*/ 140 / 160 / not permitted
B-H	60	80*	180*/ 200 / 220 / 400**
B-3, I-1, MUD, TS, ENT	60	80*	180*/ 200 / 220 / not permitted
I-2	60	80*	200*/ 220 / 240 / 400 **



(Ord. 919, passed 4-28-97; Am Ord. 2141, passed 4-11-16)

Note: Communications towers are not permitted in Downtown Overlay per § 155.506.41.C.4.

* Where there are existing nonresidential structures that exceed the above-given height limit (such as electric transmission towers), then these structures may also be used for antenna locations. These limits may be increased by twenty feet (20') for each additional user collocating on the stealth structure up to an additional forty feet (40'), and only when such location will not require the antenna to be lighted.

** (1) There are no residential zoning districts within one thousand foot (1,000') radius of the proposed tower site, or are across a controlled access right-of-way from any residential district. (Am. Ord. 2141, passed 4-11-16)

(2) The owner//developer and/or lessee of the proposed tower must possess a license (see Form FCC 574 or replacement Form FCC 600), to operate a Trunked Public Safety and Special Emergency Radio Services system in accordance with FCC Regulations Part 90, Subpart B and C, 90.15 and 90.33 respectively, and such tower will be used by licensee for the operation of a Trunked Public Safety and Special Emergency Radio Services system.

(3) Location of non-Public Safety system antennas for collocators shall not be restricted to two hundred forty feet (240') or less, but such collocation antennas shall be located below the principal Public Safety system antennas.

(4) The proposed tower is designed to allow collocation by at least two users and applicant for the tower provides written documentation that a collocating provider has/can lease space.

*** When utilizing a stealth tower application, the above given height limits may be increased up to an additional 40' at the time of initial construction. Photo simulations must be provided. Said simulations must show all exterior edges of the property. Additional documentation such as coverage maps may also be provided. Site plan to be reviewed and approved by Town Board. (Ord. 1965, passed 9-9-13; Ord. 2025A, passed 6-9-14)

6. DISTANCE SEPARATIONS BETWEEN COMMUNICATIONS TOWERS. Communications Towers shall be spaced from each other by the minimum radius as given below:

COMMUNICATIONS TOWER HEIGHT	MINIMUM DISTANCE
tower under 80 feet to tower under 80 feet	1,200 feet
tower under 200 feet to tower under 200 feet	1,800 feet
tower over 200 feet to tower under 200 feet	2,200 feet
tower under 200 feet to tower over 200 feet	2,200 feet
tower over 200 feet to tower over 200 feet	2,500 feet
tower over 240 feet to tower over 240 feet	15,000 feet*

*This limit may be decreased with approval by the Board of Commissioners per § 155.506.41.C.7 below. (Ord. 919, passed 4-28-97)