



# County Of Lincoln, North Carolina

## Planning & Inspections Department

### Lincoln County Board of Commissioners

### Agenda Item Memorandum

Date Submitted: December 18, 2013  
Department Making Request: Planning and Inspections  
Meeting Date Requested: January 6, 2014  
Person Making Presentation: Randy Hawkins  
Motion Requested: N/A

#### Description:

UDO Proposed Amendments #2014-1 Sean Hughes, applicant. A proposal to amend the Lincoln County Unified Development Ordinance as follows:

- 1) Amend Section 2.2.1 to make a telecommunications tower 101-325 feet in height a conditional use in the R-S and R-SF districts.
- 2) Amend Section 4.3.7 to add screening and fencing requirements for equipment compounds for telecommunications towers.

What is the funding source?	N/A
Is this a state or federal mandate?	N/A
How will this benefit Lincoln County?	increased wireless coverage
Is there a potential downside?	opposition to proposed towers by neighbors
What are the consequences if not approved?	less future wireless coverage
Staff's recommendation?	approval

- Will a public hearing be required? ☒ Yes ☐ No
- Will an official signature be required? ☐ Yes ☒ No
- Pre-audit Review by Finance Director completed? ☐ Yes ☐ No ☒ N/A
- Review by County Attorney completed? ☐ Yes ☐ No ☒ N/A

Manager's Recommendation/Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_ Signature: \_\_\_\_\_



**LINCOLN COUNTY PLANNING & INSPECTIONS DEPARTMENT**

302 NORTH ACADEMY STREET, SUITE A, LINCOLNTON, NORTH CAROLINA 28092  
704-736-8440 OFFICE 704-736-8434 INSPECTION REQUEST LINE 704-732-9010 FAX

To: Board of Commissioners  
Planning Board

From: Randy Hawkins, Zoning Administrator

Date: December 17, 2013

Re: UDO Proposed Amendments #2014-1  
Sean Hughes, applicant

*The following information is for use by the Lincoln County Board of Commissioners and the Planning Board at their joint meeting/public hearing on January 6, 2014.*

**PROPOSAL**

The applicant is proposing amendments to the Lincoln County Unified Development Ordinance as follows:

- 1) Amend Section 2.2.1 (Use Table) to make a telecommunications tower 101-325 feet in height a conditional use in the R-S and R-SF districts.
- 2) Amend Section 4.3.7 (Standards for Wireless Telecommunications Facility) to add screening and fencing requirements for equipment compounds.

The full text of the proposal follows this report.

**BACKGROUND**

A telecommunication tower 101-325 feet in height is a conditional use in the R-R and R-T districts but is currently not permitted in the R-S and R-SF districts. This proposal would allow taller towers in all four of the county's main residential districts subject to certain standards and the issuance of a conditional use permit by the Board of Commissioners.

The R-SF district is the second largest district in the county in total land area, trailing only the R-T district. Several large areas in the western part of the county are zoned R-SF (see map in packet).

**STAFF'S RECOMMENDATION**

Staff recommends approval of the proposal. Currently, there are large areas of the county where taller telecommunications towers are not permitted. This proposal will allow for increased wireless coverage and enhanced service. It also adds a screening requirement for equipment compounds at towers.

## **UDO Proposed Amendment #2014-1**

Text proposed to be added is underlined>.

### **§2.2.1 Use Table**

<b>P = Permitted   S = Special Use (§9.10)   C = Conditional Use (§9.11)   * = Group of Uses (§2.3)</b>																
<b>Civic Uses</b>	<b>R-R</b>	<b>R-T</b>	<b>R-S</b>	<b>R-SF</b>	<b>R-CR</b>	<b>R-14</b>	<b>R-20</b>	<b>R-MR</b>	<b>R-MF</b>	<b>O-R</b>	<b>B-N</b>	<b>B-G</b>	<b>B-C</b>	<b>I-L</b>	<b>I-G</b>	<b>Use Standard</b>
Wireless facility and tower (up to 60 ft)	P	P	P	P	P	P			P	P	P	P	P	P	P	§4.3.7
Wireless facility and tower (60-100 ft)	C	C	C	C	C	C				C	C	C	C	P	P	§4.3.7
Wireless facility and tower (101-325 ft.)	C	C	<u>C</u>	<u>C</u>								C	C	C	C	§4.3.7

## **§4.3. Civic Use Standards**

### **§4.3.7. Wireless Telecommunication Facility**

- A.** The proposed tower, antenna or accessory structure and equipment will be placed in a location and in a manner which will minimize the visual impact on the surrounding area. Accessory structures and equipment must meet all applicable standards of this UDO.
- B.** Approval for a proposed tower within a radius of 10,500 feet from an existing tower or other suitable structure shall not be issued unless the applicant certifies that the existing tower or structure does not meet applicant's structural specifications or technical design requirements, or that a co-location agreement could not be obtained at a reasonable market rate and in a timely manner.
- C.** Minimum tower setbacks shall be as follows:
  - 1.** From all lot lines and public right-of-ways, a distance equal to the tower's fall zone, as certified by a licensed professional engineer in the State of North Carolina, plus 20 feet; and
  - 2.** From any residential use, a distance of its height plus 50 feet, unless the owner of the use waives this requirement by a notarized affidavit.
- D.** The proposed tower must be designed to accommodate additional antennae equal in number to applicant's present and future requirements.
- E.** Unless otherwise restricted, the height of a tower is limited per §2.2.1, Use Table. Antennae or equipment mounted on a building must meet the height requirements of §2.4.
- F.** A tower must not be illuminated or contain any lighting unless otherwise required by State or Federal regulations.

- G.** The color of a tower and its antennae shall be one that will blend to the greatest extent possible with the natural surroundings.
- H.** No commercial signs or advertising shall be allowed on any tower, antennae, accessory structure or equipment.
- I.** Existing towers may be replaced or modified providing that the existing height is not exceeded by more than 20 feet and the new or modified tower meets all of the above requirements except for the setback provisions.
- J.** Any tower, antennae, accessory structure or equipment that is not used for communication purposes for more than 120 days shall be considered as abandoned and shall be removed by the owner within 60 days. The County shall require financial guarantees in accordance with §5.10 to guarantee removal of abandoned equipment in compliance with the requirements of this subsection.
- K.** Telecommunication/transmission towers shall not be constructed unless the tower owner has general liability coverage of at least \$1,000,000. The owner of the tower shall provide the County with a certificate of insurance showing evidence of its coverage and the certificate shall contain a requirement that the insurance company notify the County 30 days prior to the cancellation, modification or failure to renew the insurance coverage required. Lapse of this insurance shall be deemed by the County to be sufficient grounds to revoke the applicable County permits.
- L.** A combination of landscaped vegetative buffers, landscaped earthen berms or preservation of existing vegetative shall be provided around the perimeter of the site of any wireless telecommunications facility to effectively screen the view of the equipment compound from surrounding perspectives. The standard buffer shall consist of a mix of native trees and shrubs planted in a landscaped area at least ten (10) feet outside of the perimeter.
- M.** All antenna support structures shall be enclosed by security fencing not less than six (6) feet in height.



## **LINCOLN COUNTY PLANNING & INSPECTIONS DEPARTMENT**

302 NORTH ACADEMY STREET, SUITE A, LINCOLNTON, NORTH CAROLINA 28092  
704-736-8440 OFFICE 704-736-8434 INSPECTION REQUEST LINE 704-732-9010 FAX

### **Zoning Amendment Staff's Proposed Statement of Consistency and Reasonableness**

Case No. **UDO Proposed Amendments #2014-1**

Applicant **Sean Hughes**

Proposed amendments

- 1) Amend Section 2.2.1 to make a telecommunications tower 101-325 feet in height a conditional use in the R-S and R-SF districts.**
- 2) Amend Section 4.3.7 to add screening and fencing requirements for equipment compounds for telecommunications towers.**

This proposed amendment **is consistent** with the Lincoln County Comprehensive Land Use Plan and other adopted plans in that:

**Guiding Principles 1 and 2 of the Land Use Plan call for making sure that adequate infrastructure is provided as the county's population grows.**

This proposed amendment **is reasonable and in the public interest** in that:

**Wireless communications service has become increasingly important to residents and businesses. Currently, there are large areas of the county where taller telecommunications towers are not permitted. This proposal will allow for increased wireless coverage and enhanced service, including for emergency calls. It also adds a screening requirement for equipment compounds at towers.**

**Zoning Text Change Application**

Lincoln County Planning and Inspections Department  
Zoning Administrator  
302 N. Academy St., Suite A, Lincolnton, NC 28092  
Phone: (704)736-8440 Fax: (704)732-9010

**Part I**

Applicant Name Sean Hughes (Agent for Diamond Communications)

Applicant Address 7380 Coca Cola Drive Suite 106 Hanover, MD 21076

Applicant Phone Number 410-712-7092

**Part II**

Briefly describe the proposed text change.

Amend Section 2.2.1 (Use Table) to make "wireless facility and tower (101-325 ft.)" a conditional use in the R-S and R-F

districts (subject to the standards of Section 4.3.7)

Amend Section 4.3.7 (Wireless Telecommunications Facility standards) to add landscaping/screening standards.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**\$500 APPLICATION FEE MUST BE RECEIVED BEFORE PROCESSING.**

*I hereby certify that all of the information provided for this application and attachments is true and correct to the best of my knowledge.*

Sean P. Hughes  
Applicant

10-24-13  
Date

For the purpose of amending 2.2.1 of Lincoln County Unified Development Ordinance

Enable a wireless facility and tower (101-325 ft) to be located in residential districts R-S (Residential Suburban) and R-SF (Residential –Single Family) by a Conditional Use in order to meet the growing demand for wireless broadband services in the County. The extension of the Conditional Use in these zones would allow for the potential expansion of wireless communication and services to additional underserved areas of the County. Presently a Conditional Use can be requested for the same height in the similar zones of R-R and R-T zones.

The following requirements shall govern the landscaping surrounding the telecommunications facility amended to Section 4.3.7.

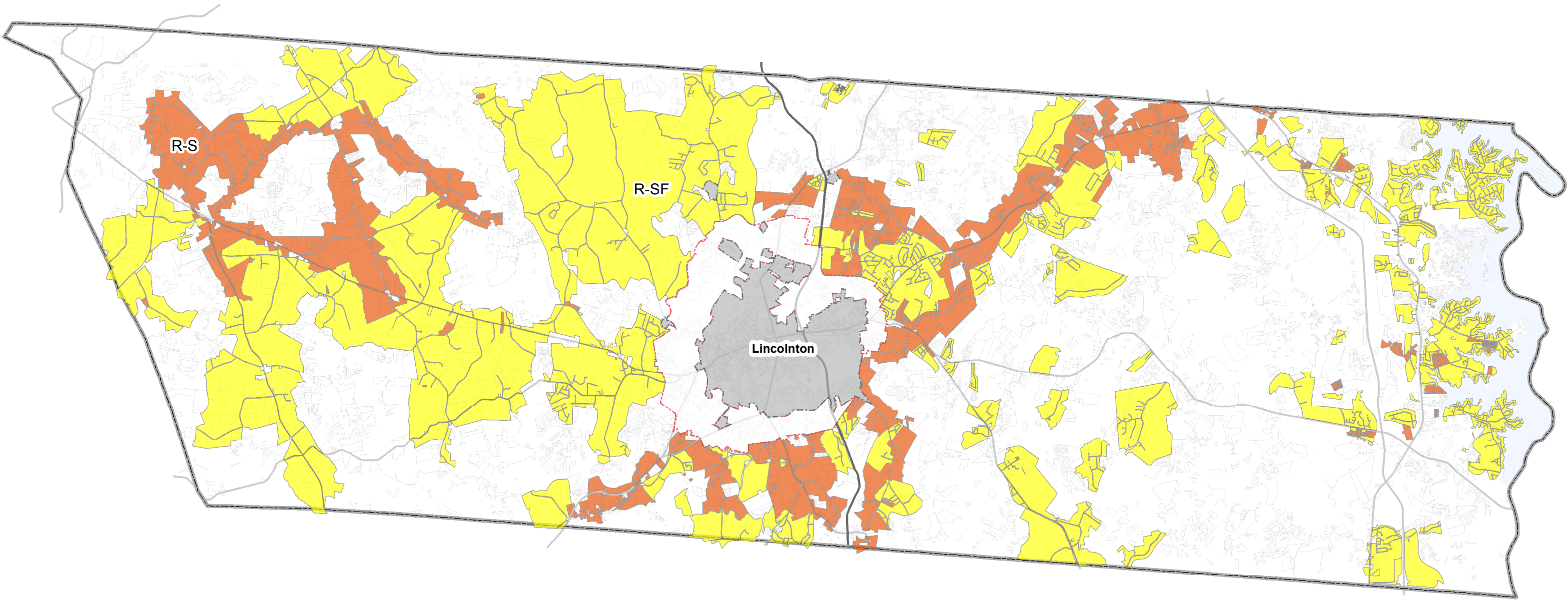
- (a) A combination of landscaped vegetative buffers, landscaped earthen berms or preservation of existing vegetation shall be provided around the perimeter of the site of any wireless telecommunications facility to effectively screen the view of the equipment compound from surrounding perspectives. The standard buffer shall consist of a mix of native trees and shrubs planted in a landscaped area at least ten feet (10) outside of the perimeter.
- (b) All antenna support structures shall be enclosed by security fencing not less than six (6) feet in height.



# Lincoln County

R-S (Residential Suburban) and R-SF (Residential Single Family)

Zoning Classifications



	Parcels	Acres	Percentage of 4 Primary Residential Zoning Classifications [R-R, R-T, R-S, R-SF]	Percentage of all Zoned Acreage in Lincoln County (All Zoning Districts)
RS (Residential Suburban)	5,158	14,861	11%	8%
RSF (Residential Single Family)	12,476	43,951	32%	24%
*The zoning districts below are not shown in the map, however the acreages in these parcels are necessary for comparison.				
RR (Residential Rural)	2,943	23,253	17%	13%
RT (Residential Transitional)	11,486	55,469	40%	31%
All other Districts	14,840	43,373	-	24%

