

ZTA 18-11 Telecommunications Towers – Approval Standards FACT SHEET SUMMARY

ZTA 18-11 was introduced July 27, 2018 and a public hearing is scheduled for Tuesday September 25, 2018 at 7:30 pm

- **TELECOMMUNICATIONS TOWERS WOULD BE ALLOWED AS LIMITED USE IN RESIDENTIAL AREAS**

- To replace poles taller than 22 feet and at least 30 feet from houses
 - The height of a replacement structure would be limited to 6 additional feet for streetlights and 10 additional feet for utility poles
 - Additional minimal height increased would be allowed for utility poles to comply with safety code
- As colocations attached to existing structures if 30 feet from houses
- On building roofs or facades if the building is a minimum of 35 feet (three stories), and the building is a minimum of 10 feet from a single family detached house, duplex or townhouse

- **TELECOMMUNICATIONS TOWERS WOULD BE ALLOWED AS CONDITIONAL USE IN RESIDENTIAL AREAS**

- To replace poles shorter than 22 feet tall and at least 30 feet from houses
 - The Replacement pole is limited to 22 feet (8 foot increase)
- A hearing examiner could
 - Review to determine this is the least visually obtrusive pole within 400 feet
 - Reduce the setback to 10 feet if there is no other pole available within 800 feet that meets a 30 foot setback

- **OZAH CONDITIONAL USE CHANGES**

- Narrows the criteria for what the Hearing Examiner reviews to determine compatibility
- Removes oral appeal to Board of Appeals of Hearing Examiner's decision
 - This is needed to help County meet federal shot clock and prevent preemptory zoning approvals under federal law ("deemed granted")
 - Decision can still be appealed to Circuit Court

- **OTHER CHANGES AND CLARIFICATIONS**

- Equipment size increased from 12 cubic feet to 20 cubic feet for equipment in pole base
- The setback is measured from the pole to the building/house, and excludes porches and similar permitted setback encroachments
- An antenna does not count towards building height

ZTA 18-11 Telecommunications Towers – Approval Standards FACT SHEET

REPLACEMENT POLES AS LIMITED USE IN RESIDENTIAL AREAS (Streetlight, Utility, and Parking Lot Light Poles)

- New ZTA will allow these poles to be replaced as **Limited Use if the poles are taller than 22 feet and are 30 feet from homes** in Residential Detached, Rural Residential, and Agricultural zones.
 - Sample research determined the 30 foot set back can be met in almost all cases.
 - ZTA 18-02 changed code to allow these poles to be replaced as Limited Use if they are 10 feet from buildings in Commercial/Residential, Employment and Industrial Zones (no minimum height requirement).
 - Height of a replacement structure would be limited to 6 additional feet for streetlights and 10 additional feet for utility poles; however, additional minimum height would be permitted to comply with National Electric Safety Code.
- **Setback for Attachments to Existing Poles.** New ZTA reduces setbacks in residential areas from 60 feet to 30 feet (to use existing utility poles).
- **Minimum Height for Buildings.** New ZTA lowers the minimum building height for buildings that can be used to attach antennas to, from 50 feet to 35 feet in residential areas.
 - **Facades.** New ZTA also changes minimum building heights for attaching to building facades to same as using building roofs – 35 feet in residential; 20 in commercial areas.
 - **Setback.** New ZTA adds requirement that the building used to attach antennas to, must be 10 feet from a house, duplex or townhouse. (Address residents' concerns about increase of commercial structures like group/assisted living homes in residential areas.)

REPLACEMENT POLES AS CONDITIONAL USE IN RESIDENTIAL AREAS (Streetlight Poles)

- New ZTA will **allow replacement poles as Conditional Use if the pre-existing pole is less than 22 feet in height** in Residential Detached, Rural Residential, and Agricultural zones (the poles are typically in neighborhoods with underground utilities).
 - Maximum height for new replacement pole would be 22 feet (typically, existing pole is 14 feet tall – i.e., new 8 foot increase allowed; this is more than 6 foot increase allowed for taller poles as Limited Use, but taller poles do not need to get much taller to support small cells
 - 30 foot set back, but Hearing Examiner can reduce to 10 feet if there are no poles nearby that can meet 30 foot set back. This is a safety value to ensure the County does not prohibit provision of service, but there are very few instances where a pole that meets the 30 foot setback cannot be found.
 - Setbacks can also be reduced by Hearing Examiner to 10 feet if it will make the new telecommunications tower less visually obtrusive.

OZAH CONDITIONAL USE PROCESS CHANGES

- **Compatibility.** Narrows what OZAH Hearing Examiner must look at to determine compatibility.
 - The Hearing Examiner reviews height, topography, environmental features, and within 400 feet, character of residential properties, proximity to nearby residences, tree coverage, and design of other streetlight, utility and parking lot light poles.
- **Appeal to Board of Appeals Removed.** Board of Appeals does not oppose this change for a narrow class of decisions in the interest of complying with the federal shot clocks.
 - County action would be final after Hearing Examiner issues decision, and decisions can be appealed to court instead of oral argument to Board of Appeals.
 - Most decisions will involve adding 8 feet to an existing streetlight.

OTHER CHANGES AND CLARIFICATIONS

- Equipment size was changed to 12 cubic feet in ZTA 18-02. New ZTA keeps 12 cubic feet for equipment on pole and increases to 20 cubic feet for equipment in base. DOT retains authority to approve having equipment on pole instead of in base. Additional size increase for base is necessary to allow hardening of base (e.g., to prevent damage from vandalism).
- Building height and setback calculations are amended so that antennas are treated similar to porches and do not count in setback limits.
- Antennas would not count toward building height, similar to solar panels.