



# Proposed Text Amendment

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Case No. T-2009-02

**Date of Report:** July 15, 2009  
**Staff Contact:** William Meyer, AICP, Development Services Director

## **INFORMATION**

**Applicable Sections:** Section 4-100(A) Table of Allowed Uses; 4-300(B)(9)(a) Wireless Communication Tower and/or Antenna, Freestanding.  
**Application Date:** May 5, 2009  
**Applicant:** Rock Hill Planning Commission  
**Attachments:** Proposed Amendment Language

## **EXPLANATION FOR AMENDMENT**

While most wireless communication towers are installed as part of overall networks, many institutional uses require on-site towers to help carry out their specific mission at that location. At the same time, those institutional uses may be allowed in certain zoning districts where taller tower heights are generally not desirable.

For example, the Zoning Ordinance only allows towers up to one hundred (100) feet tall in the Downtown (DTWN) and Office-Institutional (OI) zoning districts. At the same time there are many desirable public and institutional uses that would logically be located in these districts, but have a specific need for communications capabilities that might require a greater tower height. These could include government buildings, hospitals and other public or quasi-public facilities that are allowed in these districts and where rezoning to a more intense district for a taller tower might be at odds with surrounding land uses. Also, having a suitably sized tower on-site may be required due to the special emergency functions that many of these types of facilities serve.

Because all new tower approvals require special exceptions, we have added criteria for the Zoning Board of Appeals to consider when hearing requests for a new tower tied to such a use which is requesting additional height. This amendment only allows these geographically fixed uses to request this additional height. While most examples of such a use are likely public or quasi-public facilities, it is possible that a private entity, such as a private utility or emergency service provider, could meet the criteria proposed.

The proposed amendment language clarifies the tower use in the DTWN district, which was omitted in the Permitted Use chart, and also allows for an NMU master plan to include a tower use.

## **PUBLIC MEETINGS**

### **Planning Commission Discussion**

Mr. Graham asked if either the Downtown and Office-Institutional districts would require Zoning Board of Appeals (ZBA) approval. Mr. Meyer verified that all wireless communication tower requests require ZBA approval.

### **Public Hearing**

A public hearing on this application was held on July 7, 2009, before the Rock Hill Planning Commission. There were no comments received from the public on the proposal.

**STAFF RECOMMENDATION**

Staff recommends approval of the proposed amendment.

**PLANNING COMMISSION RECOMMENDATION**

Following the public hearing, the Planning Commission voted 6-0 (Gathings absent) to recommend approval of the proposed amendment.

**PUBLIC NOTIFICATION**

The following public notification actions have been taken:

- June 7 & 21, 2009 - Planning Commission public hearing advertisements published in *The Herald*.

**ATTACHMENTS:**

- Proposed text amendment language with editorial notations

**ARTICLE 4: ARTICLE 4: ARTICLE 4: USE REGULATIONS USE REGULATIONS USE REGULATIONS**

**Section 4-1004-3004-100: Table of Allowed Uses Use Specific Standards Table of Allowed Uses**

**Subsection 4-100(A)4-300(B)4-100(A): Table of Allowed Uses Public and Institutional Uses Table of Allowed Uses**

**TABLE 4-100(B): TABLE OF ALLOWED USES**

**P = Permitted Use    C = Conditional Use    S = Special Exception    A = Allowed in PD/NMU District  
Blank Cell = Prohibited**

**Applicable Use-Specific Standards Listed in Column on Far Right**

USE CATEGORY	USE TYPE	RESIDENTIAL										BUSINESS										PLANNED DEVELOPMENT					ADDTL REQUIREMENTS	
		SF-2	SF-3	SF-4	SF-5	SF-8	MF-8	MF-15	MHP	RH	OI	NO	DTWN	NC	LC	CC	GC	MUC	NMU	IG	IH	IB	PD-R	PD-C	PD-MEC	PD-TND		PD-PED
Utilities	Wireless Communication tower and/or antenna, freestanding										S	S	S	S	S	S	S	S	A	S	S	S	A	A	A			4-300(B)(9)(a)
	Wireless Communication antenna, Collocation on existing tower or similar structure	S	S	S	S	S	S	S	S	C	C	C	C	C	C	C	C	A	P	P	P	A	A	A	A	A	4-300(B)(9)(b)	
	Wireless Communication antenna, placement on existing structure						S	S	S	S	C	C	C	C	C	C	C	A	P	P	P	A	A	A	A	A	4-300(B)(9)(c)	
	Utility, major						S	S	S	S	S	P	S	S	P	P	S	A	P	P	P		A	A		A	4-300(B)(9)(d)	
	Utility, minor	S	S	S	S	S	P	P	P	S	P	P	P	P	P	P	P	A	P	P	P	A	A	A	A	A	4-300(B)(9)(e)	
<b>COMMERCIAL USES</b>																												
Agriculture	All uses								P	P									P								A	
Agricultural Support and Services	Farm market								S	S	P	P	P	S		S	S	A				A	A		A			
	Nursery, commercial								P					P	P	P	P	A			S							
	Nursery, production								P						P	P			P	P								
Animal Care	Animal shelter								S						S	S		A	P	P								
	Animal grooming											P	P	P	P	S	P	A					A	A	A			
	Kennel, indoor					S	S	S		P	S	S	S	P	P	P	S	A	P		S		A	A			4-300(C)(1)(a)	
	Kennel, outdoor								S					S	P	P			P				A	A			4-300(C)(1)(b)	
	Equine stable								P																		4-300(C)(1)(c)	
	Veterinary clinic without boarding Veterinary clinic with boarding									C	C	S	C	P	P	P	S	A			P		A	A			4-300(C)(1)(d)	
Eating Establishments	Bakeries, dinner theatres, or other entertainment establishments engaged in the sale of food products						S	S		P	S	P	P	P	P	P	P	A				A	A	A	A			
	Restaurant, indoor seating only						S	S		P	S	P	P	P	P	P	P	A	S		P		A	A	A	A		
	Restaurant, with indoor and outdoor seating only						S	S		P	S	P	C	P	P	P	P	A	S		C		A	A	A	A		
	Restaurant, with indoor and outdoor seating, drive-in, or walk-up service							S		C	S	S	S	P	P	P	P	A	S		S		A	A	A	A	4-300(C)(2)(a) & (b)	
	Specialty eating establishment						S	S		P	S	P	P	P	P	P	P	A	S		P		A	A	A	A		

## 4-200 USE CLASSIFICATIONS, USE CATEGORIES, AND USE TYPES

### 4-300 USE SPECIFIC STANDARDS

Use-specific standards are the requirements applied to individual Use Types regardless of the zone district where they are located, or the review procedure under which they are approved. This section is intended to list the use-specific standards for all principal uses identified in Table 4-100(B), *Table of Allowed Uses*, as being subject to additional requirements. These standards may be modified by other applicable requirements in this Ordinance.

#### 4-300(B) Public and Institutional Uses

Where the language in this section refers to a separation of a use from certain zoning districts or other uses; the distance requirement may be modified by special exception based on the following criteria: 1) There are no adverse impacts to the residential or institutional properties within the specified separation distance that are greater than those generally experienced in the area from other permitted uses in the district, including but not limited to noise, light, and traffic; 2) any impacts of the use can be mitigated through buffering, screening or other mechanisms that are made a part of the site plan for the property; and 3) The separation requirements for the following uses are not subject to reduction through special exception: adult entertainment, tattoo parlor, body piercing establishment, check cashing establishment, title loan lender or deferred presentment lender.

Public and Institutional uses shall comply with the following.

#### (9) Utilities

##### (a) *Wireless Communication Tower, and/or Antenna, Freestanding*

###### 1. *Purpose and Intent*

The purpose of this section is to establish general standards for the siting of wireless communications towers and antennas. The intent is to:

- a. Protect residential areas and land uses from potential adverse impacts of towers and antennas;
- b. Encourage the location of towers in non-residential areas;
- c. Minimize the total number of new towers throughout the City;
- d. Strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers;
- e. Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;
- f. Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques;

- g. Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently;
- h. Consider the public health and safety concerns of communication towers and antennas; and
- i. Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

2. *Applicability*

- a. Unless specified in Section 4-300(B)(9)(a)(3), *Exemptions*, all wireless communication towers and antennas in the City (including those permitted as an accessory use) shall be subject to these standards unless otherwise specified in this Ordinance.
- b. Wireless communication towers and antennas shall comply with the standards in this section regardless of their status as a principal or accessory uses.
- c. For purposes of measurement, tower separation distances shall be calculated and applied to facilities irrespective of City and County jurisdictional boundaries.
- d. Wireless communication towers which do not have at least one (1) user at the time of construction shall be prohibited.

3. *Exemptions*

The following shall be exempt from the standards of this section (but shall be required to comply with other relevant standards in this Ordinance, such as accessory use or design standards):

- a. Ground-based freestanding wireless communication towers with an overall height (including antennas) of sixty (60) feet or less.
- b. Building-mounted wireless communications towers with an overall height (including antennas) of twenty (20) feet or less.
- c. Receive-only "dish" antennas with a diameter of thirty-nine (39) inches or less located in a residential district and eighty (80) inches or less located in a business district, subject to the accessory use standards in Section 4-400(D)(12), *Satellite Dish Antenna*.
- d. Receive only television or radio antennas for non-commercial use.
- e. Antennas legally operated by FCC-licensed amateur radio operators.

4. *Standards for Freestanding Wireless Communication Towers*

Freestanding wireless communication towers, whether as a principal or accessory use, shall comply with the following standards:

- a. Safety
  - i. Towers shall be designed to meet the wind loading requirements specified in the American National Standards Institute *TIA-222-F Report* (as amended).
  - ii. The owner/applicant shall provide assurance that the structural integrity of towers and antenna will continue to comply with state and federal standards, local building codes, and the applicable standards for towers published by the American National Standards Institute (ANSI), as amended. If, upon inspection, it is determined a tower fails to comply with such standards and constitutes a danger to persons or property, the owner shall be notified he/she has thirty (30) days to bring the tower into compliance. Failure to bring the tower into compliance within thirty (30) days shall constitute grounds for the removal of the tower at the owner's expense.
- b. Height  
Freestanding wireless communication towers or towers mounted on an existing structure shall comply with the height standards in Table 4-300(B)(2): *Wireless Communication Facility Height Standards*:

TABLE 4-300(B)(2): WIRELESS COMMUNICATION FACILITY HEIGHT STANDARDS	
ZONE DISTRICT(S)	MAXIMUM HEIGHT [1] (FEET)
IG, IH, IB	400
CC, GC	250
OI, NO, DTWN, NC, LC, MUC [2]	100
PD, <del>NMU</del> Districts	As specified in PD Master Plan
NOTES: [1] Wireless communication towers mounted on existing structures such as buildings, water tanks, or other similar structures shall be limited to one-half (½) the height of the structure, or to ninety (90) feet, whichever is less. [2] New wireless communications towers shall only be permitted on lots in the business zone districts or allowable business use structures.	

~~6.~~

- c. Special Height for Certain Uses  
As part of the Special Exception for a new wireless communication facility, The Zoning Board of Appeals may approve additional height of up to a maximum height of two hundred (200) feet for towers in the OI or DTWN districts for on-site communications needs meeting the following criteria:

i. The use has a need for its own communications capability, due to the unique services or functions provided at or coordinated from the site.

ii. The security of an on-site location of the tower is necessitated by the critical services provided by the use. It is generally acknowledged that such locations may not meet the desired separation from other towers, but are justified due to the use's special needs.

iii. The height approved is the maximum height necessary to achieve the needs of the use in getting its signal to other facilities or otherwise covering its service area.

e.d. Franchises and Licenses

i. It shall be demonstrated all franchises and licenses required by law for the construction and/or operation of a tower or antenna have been obtained.

ii. If the owner/applicant is not a communications provider, then the owner/applicant shall obtain a business license from the City.

iii. No business license shall be required if the proposed wireless communications tower is used solely for non-commercial services such as amateur radio.

e.e. Color

i. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color (i.e., light grey) to reduce visual obtrusiveness.

ii. At a tower site, the design of buildings and related structures shall, to the maximum extent practicable, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.

e.f. Lighting

Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. Subject to approval by the FAA, obstruction lights shall strobe in the daytime, and shall be red and non-flashing from dusk until dawn. If lighting is required, the lighting alternatives and design shall result in the minimum disturbance to surrounding views from the ground.

f.g. Signage

A single sign measuring no more than two (2) square feet in size shall be located on or near the tower, and shall identify the tower owner, the street address of the tower,

the owner's identification code for the tower, and a twenty-four (24) hour emergency contact telephone number.

g.h. Single Lot

Towers, guy anchors, equipment buildings, and any other appurtenances related to a wireless communications tower shall be located on a single parcel or tract of land.

h.i. Setbacks

Wireless communications facilities shall comply with the following setback standards:

- i. Self supporting towers shall meet the minimum setback standards for the zone district where located, plus an additional distance equivalent to ten percent (10%) of the height of the tower.
- ii. Guyed towers shall meet the minimum setback standards for the zone district where located. The setback shall be measured from a line connecting the outermost anchor points for guy wires.
- iii. A tower shall be setback the minimum distance required in the base zone district where located, or a distance equal to one-half (½) the height of the tower (whichever is greater), from any Historic (YH) Overlay district or Historic Property designated by this Ordinance. For guyed towers, the setback shall be measured from a line connecting the outermost anchor points for guy wires.
- iv. Equipment buildings associated with a wireless communication facility shall meet the minimum setback requirements for the zone district where located (see Article 5: *Density, Intensity, and Dimensional Standards*).

h.j. Separation

If an applicant proposes a new wireless communications tower within one thousand two hundred (1,200) feet of an existing tower, the applicant shall submit a statement indicating the reasons why the existing tower(s) was inadequate or unavailable. The Development Services Director shall allow the owner of such existing tower an opportunity to comment prior to making a decision.

i.k. Collocation

New wireless communication towers should be designed to accommodate the present and future needs of the owner and at least one (1) comparable user. Unused space on an existing tower shall be made available to other users at a fair market value.

k.l. Landscaping

Towers shall comply with the following landscape standards:

- i. Tower facilities (including equipment structures and cabinets) shall be landscaped with a buffer of plant materials that effectively screens the view of the ground-based portion of the tower facility from existing residential development.
- ii. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, large wooded lots, or sites with natural growth around the property perimeter may be a sufficient buffer.

~~l.m.~~ Security Fencing

Towers, guy anchor supports, and ground-based equipment buildings shall be enclosed by security fencing not less than eight (8) feet in height and equipped with an appropriate anti-climbing device.

~~m.n.~~ Radiation Reporting

It shall be demonstrated the proposed tower, antenna, and supporting equipment complies with FCC non-ionizing radiation requirements for individual and combined facilities.

~~n.o.~~ Interference

No wireless communications tower, antenna, or supporting equipment shall interfere with equipment operated by the Rock Hill/York County airport or radio equipment operated at a fixed site by the City.

5. *Compliance with State or Federal Laws and Regulations*

Towers and antennas shall meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government that regulates towers and antennas. If such standards and regulations change, owners shall be responsible for bringing the towers and antennas into compliance with the changed standards and regulations within six (6) months of their effective date, unless a different compliance schedule is mandated by the controlling regulations. (Failure to bring towers and antennas into compliance shall constitute grounds for removal of the tower or antenna, at the owner's expense.)

6. *Nonconforming Wireless Communication Towers*

- a. Nonconforming wireless communication towers shall be allowed to remain and be maintained in accordance with the standards in Article 8: *Nonconformities*. Additional equipment may be added to the tower provided that such additions do not increase the degree of nonconformity.
- b. Additions that increase the degree of non-conformity of an existing tower may be approved by the Zoning Board of Appeals as a Special Exception, when such proposals meet the standards of section 4-300(B)(9)(a)4. to the greatest extent possible, and the Board of Zoning