

ZONING APPLICATION FOR ORDINANCE TEXT CHANGE

APPLICATION NUMBER **2013-598** DATE FILED May 29, 2013 (REVISED)
PETITIONER'S NAME Berkley Group LLC
PETITIONER'S MAILING ADDRESS 10612-D Providence Road PMB 742 Charlotte, NC 28277
PETITIONER'S PHONE NUMBER/EMAIL ADDRESS 704-845-0625 joannfischer@carolina.rr.com

I request consideration of the following change in text of the Matthews Zoning 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 153.172 (C) Proposed Section 153.172 (C)

SEE ATTACHED CHART

(continue on additional page(s) as necessary)

ZONING APPLICATION FOR ORDINANCE TEXT CHANGE
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What is the intended effect of this request?

To allow for the development and construction of a stealth communications tower in R/I zoned Districts.

(continue on additional page(s) as necessary)

www.matthewsnc.gov

private aircraft, and related considerations.

With or without towers, 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, or is on the same lot as a phone or cable consumer outlet or operations center. They are permitted as a secondary principal use in residential districts where a permitted non-residential principal use exists.

(B) *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 or rural district, and shall not be more than 80 feet in overall height (antenna and supporting structure). Where existing structures (as of the date of adoption of this subsection) exceed 80 feet 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 20 feet per antenna, up to 40 feet additional in height, and such location shall not require the antenna to be lighted.

(C) *Non-Residential Districts.* Antennas may be located on towers or other supporting structures in the R/I district (except as given in table below), and all office, business and industrial districts except the HUC and AU districts up to the overall heights listed below:

	Adjacent to any res. or rural zone		Adjacent to all non-res. zones
	Non-stealth	Stealth	1 user/2 users/3 users Trunked Public Safety
R/I	Not permitted	80'*/ ***	80'*/100'/120'/not permitted
0-9, 0-15	50'	80'*	100'*/120'/140'/not permitted
B-1, BD	50'	80'*	120'*/140'/160'/not permitted
B-2	50'	80'*	160'*/180'/200'/not permitted
B-3, I-1	60'	80'*	180'*/200'/220'/not permitted'
I-2	60'	80'*	200'*/220'/240'/400' **

(Ord. 919, passed 4-28-97)

* Where there are existing non-residential 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 20 feet for each additional user colocalizing on the stealth structure up to an additional 40 feet, and such location will not require the antenna to be lighted.

** (1) There are no residential or rural zones within 1,000' radius of the proposed tower site.

*** When utilizing a stealth tower, 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.



232 Matthews Station Street
Matthews, NC 28105
704.847.4411

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

Existing Section 153.172 (B) and chart

Proposed Section 153.172 (B) and chart

(B) Residential Districts. Antennas may be located on a stealth application or on supporting structures....

SEE ATTACHED

(continue on additional page(s) as necessary)

private aircraft, and related considerations.

With or without towers, 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, or is on the same lot as a phone or cable consumer outlet or operations center. They are permitted as a secondary principal use in residential districts where a permitted non-residential principal use exists.

(B) *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 or rural district, and shall not be more than 80 feet in overall height (antenna and supporting structure). Where existing structures (as of the date of adoption of this subsection) exceed 80 feet 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 20 feet per antenna, up to 40 feet additional in height, and such location shall not require the antenna to be lighted.

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** (1) There are no residential or rural zones within 1,000' radius of the proposed tower site.

*** When utilizing a stealth tower, the above given height limit may be increased up to an additional 40' at the time of initial construction with the approval of the Zoning Board.

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