

FACTSHEET

TITLE: CHANGE OF ZONE NO. 04063, a text amendment to Title 27 of the Lincoln Municipal Code, requested by the Director of Planning, by amending Chapter 27.68, *Personal Wireless Facilities*.

STAFF RECOMMENDATION: Approval.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda: 07/20/05
Administrative Action: 07/20/05

RECOMMENDATION: Approval (8-0: Carlson, Carroll, Esseks, Larson, Pearson, Bills-Strand, Sunderman and Taylor voting 'yes'; Krieser absent).

1. The purpose of this proposed text amendment is to delete the requirement for an administrative permit to collocate on existing facilities; to clarify how the fall zone is measured; and to delete the definition of "Modification" because it is unnecessary.
2. The staff recommendation of approval is based upon the "*Analysis*" as set forth on p.2-3, concluding that collocation results in a more efficient use of towers and reduces the overall number needed to serve wireless customers in this market. Chapter 27.68 already requires new towers to accommodate collocation as part of the special permit approval process, and it is redundant to require a separate zoning permit when additional providers want to collocate. The proposed changes simplify the permitting process and clarify the ordinance consistent with recent streamlining efforts.
3. On July 20, 2005, this application appeared on the Consent Agenda of the Planning Commission and was opened for public hearing. No one came forward to speak.
4. On July 20, 2005, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend approval (Carlson, Carroll, Esseks, Larson, Pearson, Bills-Strand, Sunderman and Taylor voting 'yes'; Krieser absent).

FACTSHEET PREPARED BY: Jean L. Walker

DATE: August 1, 2005

REVIEWED BY: _____

DATE: August 1, 2005

REFERENCE NUMBER: FS\CC\2005\CZ.04063

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for the July 20, 2005 PLANNING COMMISSION MEETING

PROJECT #: Change of Zone #04063

PROPOSAL: An amendment to Chapter 27.68 Personal Wireless Facilities of the Zoning Ordinance consisting of the following:

1. Delete the requirement for an administrative permit to collocate on existing facilities.
2. To clarify how the fall zone is measured.
3. To delete the definition of "Modification" because it is unnecessary.

CONCLUSION: Collocation results in a more efficient use of towers and reduces the overall number needed to serve wireless customers in this market. Chapter 27.68 already requires new towers to accommodate collocation as part of the special permit approval process, and it is redundant to require a separate zoning permit when additional providers want to collocate. The proposed changes simplify the permitting process and clarify the ordinance consistent with recent streamlining efforts.

RECOMMENDATION:

Approval

GENERAL INFORMATION:

ANALYSIS:

1. The Zoning Ordinance was amended in June, 2000 to include Chapter 27.68 Personal Wireless Facilities. Prior to that, new tower structures were considered broadcast towers by Zoning Ordinance definitions along with other facilities such as TV and radio towers and required a special permit.
2. Lincoln Municipal Code (LMC) Chapter 27.68 defines personal wireless facilities in the same manner as Title 47 of the United States Code. The definition includes radio or microwave signals for communication, cellular telephone facilities, personal communication services, enhanced specialized mobile radio, and any other wireless service licensed by the FCC.
3. LMC Section 27.68.030 establishes requirements for both special and administrative permits. The type of permit required depends upon what kind of wireless facility is proposed. For example, all new towers are required to have an approved special permit approved by the Planning Commission. Collocating on a camouflaged facility, a rooftop facility, or on an existing tower all require an administrative permit approved by the Planning Director.
4. It is a requirement that all towers less than 100' in height accommodate at least two carriers, and that towers in excess of 100' accommodate at least three. If there are special considerations, such as requiring flush mounted antennas to make the facility less visible, they

are included as conditions of approval of the special permit. Any carrier collocating on the tower must comply with the conditions of approval of the special permit.

5. The proposed amendment to Section 27.68.030 eliminates the requirement for an administrative permit to collocate on existing facilities previously approved by either a special or administrative permit. This recognizes that the previously approved permit has considered the appropriateness of the wireless facility, and that the siting of any additional antennas is subject to the requirements of the approved permit. The need for an administrative permit in these cases is redundant and unnecessary.
6. Section 27.68.020 contains a definition for "Modification", but the term is not used anywhere in the ordinance. It is likely it was included early in the process of developing the ordinance, but subsequent revisions eliminated the need for it. As it now serves no purpose, it should be deleted.
7. Section 27.68.110(g) defines the "Fall Zone", which is a setback equivalent to half the height of a wireless facility tower. It also requires the setback be no less than that required by the underlying zoning district. Per the Zoning Ordinance, all setbacks are measured from property lines, but it is not clearly stated in this section and has been a source of confusion for applicants since the ordinance was adopted. The most common assumption is that the fall zone is measured from surrounding buildings. This amendment clearly states that the setback is measured from property lines.

Prepared by:

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July 5, 2005

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CHANGE OF ZONE NO. 04063

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

July 02, 2005

Members present: Carlson, Carroll, Esseks, Larson, Pearson, Bills-Strand, Sunderman and Taylor; Krieser absent.

The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 04063; SPECIAL PERMIT NO. 692M; COUNTY FINAL PLAT NO. 05063, PRAIRIE CREEK ESTATES 1ST ADDITION; COMPREHENSIVE PLAN CONFORMANCE NO. 05005; and COMPREHENSIVE PLAN CONFORMANCE NO. 05007.**

Item No. 1.2, Special Permit No. 692M, was removed from the Consent Agenda and scheduled for separate public hearing.

Ex Parte Communications: None.

Larson moved to approve the remaining Consent Agenda, seconded by Carroll and carried 8-0: Carlson, Carroll, Esseks, Larson, Pearson, Bills-Strand, Sunderman and Taylor voting 'yes'; Krieser absent.