



STAFF REPORT

MORGAN COUNTY PLANNING COMMISSION

PETITION FOR: TEXT AMENDMENT

Applicant: Morgan County Planning & Development
Applicant's Agent: N/A
Zoning Ordinance: Morgan County Zoning Ordinance Chapter 7.26 Transmission Towers

Summary

Morgan County Planning Staff is requesting a text amendment to Chapter 7.26 Transmission Towers. Two applications have been approved in the recent past which requested a variance to the maximum tower height, from 250' to 300'. The Planning Commission suggested after the second variance that, due to the precedent set, the maximum height should be changed. Staff has also received comments from prospective tower applicants related to the name of the ordinance, which identifies the subject as "transmission towers" instead of as "telecommunications towers." The title is incorrect, as transmission towers typically refer to towers used to support electrical lines. Interestingly, only the title is incorrect, and the term "telecommunications towers" is used throughout the ordinance text. Another issue pointed out by prospective applicants is that the ordinance does not allow for towers in lakeshore zoning districts, which contrary to the Federal Telecommunications Act.

Current and Proposed Language

Please note that the language below is only the title and section proposed to be changed and not the entire ordinance.

Chapter 7.26 ~~Transmission Towers~~ Telecommunications Towers

Section 7.26.2 Placement of Telecommunications Facilities by Zoning District

In the Neighborhood Commercial (C1), General Commercial (C2), Heavy Commercial (C3), Light Industrial (I1) and Heavy Industrial (I2) zoning districts, micro and macro telecommunications facilities shall be allowed as a use by right. Telecommunication towers designed and intended to accommodate at least six users are permitted as a conditional use up to a height of ~~two hundred fifty feet (250')~~ **three hundred feet (300')** following design review by, and receipt of a building permit from, the Director.

In the Agricultural (AG) and Agricultural Residential (AR) zoning districts, micro and macro telecommunications facilities shall be allowed following design review and receipt of a building permit from the Director. Telecommunication towers up to a height of ~~two hundred fifty feet (250')~~ **three hundred feet (300')** are permitted as a conditional use following design review by, and receipt of a building permit from, the Director.

In the Low Density Residential (R1), Lakeshore Low Density Residential (LR1), Medium Density Residential (R2), Community Mixed Use (MXD3), Lakeshore Medium Density (LR2), High Density Residential (R3), Lakeshore High Density Residential (LR3) and Lakeshore Marina zoning districts, micro and macro telecommunications facilities shall be allowed ~~as a use by right on nonresidential structures following design review by, and receipt of a building permit from, the Director.~~ following design review and receipt of a building permit from the Director. Telecommunication towers up to a height of three hundred feet (300') are permitted as a conditional use following design review by, and receipt of a building permit from, the Director.

Telecommunications facilities outside the guidelines listed above may only be built after approval of a variance in accord with Article 20 of this Ordinance, as well, as receipt of a building permit.