

History of Regulation of Wireless Communications Facilities in the Hillsborough County Land Development Code

| Ordinance # | Adopted Date of Ordinance | Effective Date of Ordinance | Brief Description of What Changed |
|-------------|---------------------------|-----------------------------|---|
| 1. | 92-5 03/04/92 | 05/01/92 | Adopted Land Development Code. |
| 2. | 96-14 07/18/96 | 08/01/96 | Added requirement for documentation of need for a new tower and added provisions to encourage collocation on new and existing towers. |
| 3. | 96-36 12/19/96 | 01/31/97 | Amended definition of "Communication Facility, Radiotelephone" relating to "Antenna" and "Support Structure". |
| 4. | 98-43 07/09/98 | 07/20/98 | Amended requirements for enhanced setbacks, buffering and screening. Added provisions regarding replacement towers and abandoned towers. |
| 5. | 01-30 11/21/01 | 02/01/02 | Amended review process to require a special use review for towers proposed to be located within specified distances from all residential uses as opposed to only single-family uses. |
| 6. | 02-22 11/13/02 | 02/01/03 | Amended buffering and screening requirements for towers in or adjacent to manufacturing zoning districts. |
| 7. | 03-9 06/05/03 | 10/01/03 | Amended review process to require a special use review for towers proposed to be located within specified distances from all residential uses as opposed to only single-family uses. Changed "Radiotelephone" to "Wireless" in the description and definition of the use. Provided an exemption for non-visible wireless facilities within legally permitted structures. |
| | | | Added camouflaging requirements for towers in certain zoning districts and identified specific camouflage structure types presumed to be compatible in various zoning districts. |
| | | | Deleted exemption from enhanced setbacks for monopole towers in areas already visually impacted by tall or intensive uses. |

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|-----|-------|----------|----------|--|
| 8. | 05-10 | 06/16/05 | 10/01/05 | Added requirement that towers proposed to be located in planned development zoning districts approved after October 1, 2005, be identified as a specifically approved use. |
| | | | | Added zoning districts in and proximate to which proposed new towers would require a special use review. Removed certain camouflage structure types and added zoning districts for remaining camouflage structure types. |
| 9. | 06-18 | 08/01/06 | 10/01/06 | Added provision for completeness review of tower applications and timeframes for approval or denial of tower applications. Added definitions for "Collocation" and "Existing Structure". |
| 10. | 08-29 | 11/13/08 | 02/01/09 | Provided criteria for towers proposed to be located on school campuses that if met would make the tower a permitted use, exempt the tower from camouflage requirements and exempt the tower from buffering and screening requirements. |
| 11. | 09-52 | 06/11/09 | 06/18/09 | Amended review process to require a special use review for towers proposed to be located on school campuses. |

2.6.4.28 Communication Facilities, Radiotelephone.

These facilities shall be reviewed in accordance with the following standards:

- 2.6.4.28.1 No minimum lot size is required, consistent with requirements for unmanned public service facilities set forth in Section 1.5.5, as long as the minimum setbacks, described in Section 2.6.4.28.2, are met.
- 2.6.4.28.2 Such facilities shall meet the same setbacks as those for principal structures in the various districts as set forth in Table 2.5.1, or twenty (20%) percent of the structure height, whichever is greater.
- 2.6.4.28.3 The maximum structure height is two-hundred (200) feet.
- 2.6.4.28.4 In all residential, AS-1, ASC-1 and C-N districts, any accessory building, such as a small maintenance building, shall be architecturally finished to be compatible with the neighborhood.
- 2.6.4.28.5 As regards buffering, such facilities shall be considered as a Group 2 use (see Table 2.5.3) in all residential, AS-1, ASC-1, and C-N districts, as well as meeting

any applicable Land Alteration (Div. 3.5) and Landscaping (Div. 3.6) regulations. In all other districts, such facilities shall be considered as Group 1 uses.

- 2.6.4.28.6 There shall be adequate room on site for a minimum of one (1) maintenance vehicle to park and maneuver. The driveway and parking space do not need to be paved if they are able to be kept dust-free.
- 2.6.4.28.7 There shall be no interference with nearby radio, television, or other communications facilities, as per FCC regulations.
- 2.6.4.28.8 There shall be no restriction on or interference with air safety and air operations, as per FAA, Hillsborough County Aviation Authority, or MacDill AFB requirements.

2.6.4.28 Communication Facilities, Radiotelephone.

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- 2.6.4.28.2** Such facilities shall meet the same setbacks as those for principal structures in the various districts as set forth in Table 2.5.1, or twenty (20%) percent of the structure height, whichever is greater.
- 2.6.4.28.3** The maximum structure height is two-hundred (200) feet.
- 2.6.4.28.4** In all residential, AS-1, ASC-1 and C-N districts, any accessory building, such as a small maintenance building, shall be architecturally finished to be compatible with the neighborhood.
- 2.6.4.28.5** As regards buffering, such facilities shall be considered as a Group 2 use (see Table 2.5.3) in all residential, AS-1, ASC-1, and C-N districts, as well as meeting

any applicable Land Alteration (Div. 3.5) and Landscaping (Div. 3.6) regulations. In all other districts, such facilities shall be considered as Group 1 uses.

2.6.4.28.6 There shall be adequate room on site for a minimum of one (1) maintenance vehicle to park and maneuver. The driveway and parking space do not need to be paved if they are able to be kept dust-free.

2.6.4.28.7 There shall be no interference with nearby radio, television, or other communications facilities, as per FCC regulations.

2.6.4.28.8 There shall be no restriction on or interference with air safety and air operations, as per FAA, Hillsborough County Aviation Authority, or MacDill AFB requirements.

2.6.4.28.9 A new communication facility shall not be approved unless it can be documented by the applicant, to the satisfaction of the Administrator, that the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or on some other appropriate structure. Factors that can be considered in this determination will include, but not be limited to one or more of the following:

1. The planned equipment would exceed the structural capacity of existing and approved towers/other appropriate structures, considering existing and planned use of those towers/structures, and existing and approved towers/structures cannot be reinforced to accommodate planned or equivalent equipment at a reasonable cost.
2. The planned equipment would cause Radio Frequency (RF) interference for these towers, and interference cannot be prevented at a reasonable cost.
3. Existing or approved towers do not have space on which planned equipment can be placed so it can function effectively and reasonably in parity with other similar equipment in place or approved.
4. Other reasons that make it impracticable to place the equipment planned by the applicant on existing and approved towers or other appropriate structures.

Documentation shall be submitted to the Administrator at the time of the Special Use or Limited Use permit application and shall contain, at a minimum, if applicable, a signed statement from appropriate accredited experts (e.g., engineer) outlining the reasons as to why the proposed facility cannot be located on an existing facility or structure. Appropriate support material, for verification by staff, shall be included.

Reasonable cost shall be defined as the point up to which the cost, including any leasing agreement, of collocation exceeds what would be the cost for the applicant to construct a new tower. Construction costs shall not only include costs associated with the actual construction of a new tower (including building permits) but also those costs that would be incurred by the applicant in order to secure either a Special Use or Limited Use permit, if required for the construction of a new tower.

2.6.4.28.10 The applicant for a new tower shall submit a letter of intent committing the tower owner and his or her successors to allow shared use of the tower as per the criteria established above. Said letter of intent shall be filed in the Office of the County Clerk and the Zoning Administrator prior to any building permit being issued. Reasonable charges (costs) shall be as outlined in Section 2.6.4.28.9.

2.6.4.28.11 In order to provide the opportunity for other telecommunication users to collocate on the facility, the applicant shall notice other potential users of the facility offering an opportunity for collocation. If during the Special Use or Limited Use review period, another potential user requests collocation in writing to the Administrator, the request shall be accommodated, unless it can be documented as outlined in Section 2.6.4.28.9, that collocation is not possible.

2.6.4.28.12 The Administrator shall approve requests for collocation of a telecommunication facility on an existing and/or permitted facility, a special use or limited use permit will not be required. If the height of the facility increases as a result of collocation, the Administrator may waive any additional setback that would be required per Section 2.6.4.28.2. If deemed appropriate and compatible by the Administrator, the Administrator may permit the height of the facility to exceed the maximum structure height, as outlined in Section 2.6.4.28.3, by 25 feet in order to allow collocation.

Division 7.3

Communication Facility, Radiotelephone: See also Radio/Television Transmitting or Receiving Facility.

~~The use of land, buildings or structures less than or equal to 200 feet in height for the above ground transmission and reception of television, radio, or wireless telephone communications including all transmitting and receiving towers, dishes and antennas except and accessory radio or television receiving antennas and dishes.~~

Antenna: Any antenna used for the transmission or reception of wireless communication signals for radiotelephones or other similar personal communication devices, excluding those used for ham radio antennas, radio or television receiving antennas and dishes, and radio/television transmitting or receiving facilities.

Support Structure: A monopole or a lattice type tower greater than fifteen feet, but two hundred feet or less, in height designed for the attachment of or as support for radiotelephone communication antennas.

Division 2.6

2.6.4.28 Communication Facilities, Radiotelephone.

These facilities shall be reviewed in accordance with the following standards:

2.6.4.28.1 Radiotelephone Communication Antenna ("RCA"). To encourage collocation and to minimize the number of Radiotelephone Communication Support Structures ("RCSS"), Radiotelephone Communication Antenna ("RCA") shall be evaluated as an accessory use on or attached to any structure, including existing RCSSs, without additional zoning review.

2.6.4.28.2 Radiotelephone Communication Support Structures ("RCSS") General Criteria.

1. The RCSS may be located on a zoning lot containing other principal uses. The facility may be located within an area smaller than the minimum lot size of the applicable zoning district provided the zoning lot on which it is located complies with the applicable minimum lot size or, in non-residential and non-agricultural districts, is a legal nonconforming lot. Required yards and setbacks shall be measured from the boundary of the zoning lot. The area within which the RCSS is located ("RCSS Area") shall be the area subject to

all other the requirements of this section, unless otherwise provided herein. No minimum lot size is required, consistent with requirements for unmanned public service facilities set forth in Section 1.5.5, as long as the minimum setbacks described in Section 2.6.4.28.2, are met.

2. Such facilities shall at a minimum, meet the same setbacks required yards as those for principal structures in the various districts as set forth in Table 2.5.1. However, if a greater separation is achieved through a setback, where the zoning lot on which the RCSS is:
 1. adjacent to the rear or side yard of residentially zoned property which is developed or developable for residential use, the minimum setback from the property line abutting said residential property shall be one foot for every three feet of structure height;
 2. zoned industrially and is adjacent to industrially zoned property, there shall be no additional setback; or
 3. adjacent to any other type of property, the minimum setback from that property line shall be, or twenty percent (20%) of the structure height, whichever is greater;

unless the applicant can demonstrate, to the satisfaction of the reviewing entity, that one or more of the following mitigating factors justifies a reduction in the setback. The reduced setback, if approved, shall not be less than the required yards for principal structures in the applicable zoning district.

1. The locating of the RCSS area in compliance with the setbacks would result in the removal of trees which could be saved by reducing the setback;
2. The line of sight of the base of the RCSS is obscured from the primary vehicular and pedestrian movements on the adjacent proerties by intervening buildings, trees, landscaping, or other such screen;
3. An intervening use or activity, such as a wetland, retention area, etc., exists on the adjacent property;
4. Compliance with the additional setback would prevent the collocation of additional RCA on the RCSS;
5. The owner of the tower commits, in writing, to the reduction of the height of the tower within three years of its construction to a height which complies with the additional setback; or
6. Other such mitigating factor.

3. The maximum structure height is two-hundred (200) feet. Any RCSS over 200 feet shall comply with the requirements for a Radio/Television Transmitting or Receiving Facility.
4. In all residential, AS-1, ASC-1 and C-N districts, any accessory building, such as a small maintenance building, shall be architecturally finished to be compatible with the neighborhood.
5. As regards buffering and screening, such facilities shall be considered as a Group 2 use (see Table 2.5.3) in, or adjacent to all residential, AS-1, ASC-1, and C-N districts, as well as meeting any applicable Land Alteration (Div. 3.5) and Landscaping (Div. 3.6) regulations. In all other districts, such facilities shall be considered as Group 1 uses. For purposes of determining which buffering and screening requirement is applicable, the evaluation shall be made at the zoning lot boundary. In most instances, the required screening shall be located along the boundary of the RCSS area. When, however, the zoning lot is adjacent to existing residences or platted residential subdivisions, the Administrator may require the screening to be placed along all or a portion of the zoning lot boundary. The Administrator shall determine if the screening should be located on the zoning lot boundary based upon characteristics of the subject site and of adjacent land uses. Factors to be considered in the Administrator's determination of the location of screening shall include, but not be limited to:
 1. The distance of the RCSS from existing residences.
 2. The amount of existing natural or man-made screening between the RCSS area and adjacent residences or platted residential lots.
 3. The size of the zoning lot containing the RCSS area.
 4. The number and orientation of adjacent residences or platted residential lots.
6. There shall be adequate room on site for a minimum of one (1) maintenance vehicle to park and maneuver. The driveway and parking space do not need to be paved if they are able to be kept dust-free.
7. There shall be no interference with nearby radio, television, or other communications facilities, as per FCC regulations.
8. There shall be no restriction on or interference with air safety and air operations, as per FAA, Hillsborough County Aviation Authority, or MacDill AFB requirements.

2.6.4.28.3 Review Criteria for New RCSS

1. A new ~~communication facility~~ RCSS shall not be approved unless it can be documented by the applicant, to the satisfaction of the Administrator, that the ~~telecommunications equipment planned for the proposed tower cannot be accommodated on~~ there is a need for the new RCSS which cannot be met by an existing or approved tower RCSS or on some other appropriate structure. Factors that can be considered in this determination will include, but not be limited to one or more of the following:
 1. ~~The planned equipment~~ New RCA(s) would exceed the structural capacity of existing and approved ~~towers~~ RCSS/other appropriate structures, considering existing and planned use of those ~~towers~~ RCSS/structures, and existing and approved ~~towers~~ RCSS/structures cannot be reinforced to accommodate ~~planned or equivalent equipment~~ new RCA(s) at a reasonable cost.
 2. ~~The planned equipment~~ New RCA(s) would cause Radio Frequency (RF) interference ~~for these towers, and interference which~~ cannot be prevented at a reasonable cost.
 3. Existing or approved ~~towers~~ RCSSs do not have sufficient space on which ~~planned equipment~~ new RCAs can be placed or are not located so ~~it can~~ as to allow new RCAs to function effectively and reasonably in parity with other similar equipment in place or approved.
 4. Other reasons that make it impracticable to place the equipment planned by the applicant on existing and approved towers or other appropriate structures or the leased property.

Documentation shall be submitted to the Administrator at the time of the Special Use or Limited Use permit application and shall contain, at a minimum, if applicable, a signed statement from appropriate accredited experts (e.g. engineer) outlining the reasons as to why the proposed facility ~~cannot be located on an existing facility or structure~~ RCSS is needed. Appropriate support materials, for verification by staff, shall be included.

Reasonable cost shall be defined as the point up to which the cost, including any leasing agreement, of collocation exceeds what would be the cost for the applicant to construct a new ~~tower~~ RCSS. Construction costs shall not only include costs associated with the

actual construction of a new ~~tower~~ RCSS (including building permits), but also those costs that would be incurred by the applicant in order to secure either a Special Use or Limited Use permit, if required for the construction of a new ~~tower~~ RCSS.

2. The applicant for a new ~~tower~~ RCSS shall submit a letter of intent committing the ~~tower~~ RCSS owner and ~~his or her~~ its successors to allow shared use of the ~~tower~~ RCSS, as per the criteria established above, or to allow a replacement tower to be erected within the RCSS Area provided that the replacement is physically and contractually feasible and that the cost of modifying or replacing the RCSS to accommodate the collocated RCA is borne by the collocating company. Said letter of intent shall be filed in the Office of the County Clerk and the Zoning Administrator prior to any building permit being issued. Reasonable charges (costs) shall be as outlined in Section 2.6.4.29.93.1.
3. In order to provide the opportunity for other telecommunication users to collocated on the ~~facility~~ RCSS, the applicant shall notice other potential users of the ~~facility~~ new RCSS offering an opportunity for collocation. If during the Special Use or Limited Use review period, another potential user requests collocation in writing to the Administrator, the request shall be accommodated, unless it can be documented as outlined in Section 2.6.4.28.93.1, that collocation is not possible.

2.6.4.28.4 The Administrator shall approve requests for collocation of a telecommunication ~~facility~~ RCA on an existing and/or permitted facility; a special use or limited use permit will not be required. If the height of the facility increases as a result of collocation, the Administrator may waive any additional setback that would be required per Section 2.6.4.28.2.2. If deemed appropriate and compatible by the Administrator, the Administrator may permit the height of the facility to exceed the maximum structure height, as outlined in Section 2.6.4.28.32.3, by twenty-five (25) feet in order to allow collocation.

2.6.4.28.5 An existing RCSS may be replaced for purposes of accommodating collocation of other RCAs or otherwise, without additional zoning action, provided that:

1. The replacement RCSS does not exceed 200 feet or as provided in 2.6.4.28.4 above.

2. The replacement RCSS is located within the same or adjacent zoning lot as the existing RCSS and is located so as to maximize compliance with existing setbacks.
3. The existing RCSS is removed within ninety days of the completion of the replacement RCSS and the relocation of the RCA(s).
4. If the location of the replacement RCSS is such that the existing RCSS must be removed before the replacement RCSS is constructed, a temporary portable antennae support facilities may be used, but must be removed within thirty days of the completion of the replacement RCSS and the relocation of the RCA(s).

2.6.4.28.6 Any RCSS which is abandoned shall be removed or demolished either by the owner of the tower, or by the property owner, but not at Hillsborough County's expense. For the purposes of this section, abandoned shall mean that no commercial operation of any RCA or other commercial antenna on the RCSS has occurred for a one year period.

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C. All structures shall be set back a minimum of twenty-five (25) feet from any boundary line of the cemetery property.

D. All structures over twenty-five (25) feet in height must be set back a minimum of twenty-five (25) feet plus two (2) feet for each one (1) foot of height over twenty-five (25) feet to the maximum height permitted by the zoning district in which it is located or fifty (50) feet whichever is more restrictive.

Sec. 6.11.21. Churches/Synagogues

A. In the RSC-2, RSC-3, RSC-4, RSC-6, RSC-9, MH, RDC-6, RDC-12, and RMC-6 zoning districts, the sanctuary or main place of worship (excluding all classrooms, administrative offices, and fellowship halls) may exceed thirty (30) feet in height provided that the structure is set back an additional two (2) feet for every one (1) foot of structure height over (30) feet at all boundaries (added to yards or buffer areas required elsewhere.)

B. Minimum lot size of twenty thousand (20,000) square feet shall be provided.

C. If the church or synagogue has a seating capacity of more than three hundred (300) persons, the site shall have direct access to an arterial or collector street, as shown on the Major Street map.

Sec. 6.11.22. Circuses

A. The duration of the use shall not exceed ten (10) calendar days.

B. Where said circus use is adjoining a residential district, there shall be a minimum setback of one hundred (100) feet from parking areas and three hundred (300) feet from the circus itself.

Sec. 6.11.23. Colleges/Community Colleges/Universities

A. The site shall have a minimum area of ten (10) acres.

B. The use shall qualify for accreditation by the Southern Associates of Colleges and Schools.

Sec. 6.11.24. Communication Facilities, Radiotelephone

A. Radiotelephone Communication Antenna (RCA). To encourage collocation and to minimize the number of Radiotelephone Communication Support Structures (RCSS), Radiotelephone Communication Antenna (RCA) shall be evaluated as an accessory use on or attached to any structure, including existing RCSSs, without additional zoning review.

B. Radiotelephone Communication Support Structures (RCSS) General Criteria.

1. The RCSS may be located on a zoning lot containing other principal uses. The facility may be located within an area smaller than the minimum lot size of the applicable zoning district provided the zoning lot on which it is located complies with the applicable minimum lot size or, in non-residential and non-agricultural districts, is a

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legal nonconforming lot. Required yards and setbacks shall be measured from the boundary of the zoning lot. The area within which the RCSS is located (RCSS Area) shall be the area subject to all other the requirements of this section, unless otherwise provided herein.

2. Such facilities shall at a minimum, meet the same required yards as those for principal structures in the various districts as set forth in 6.01.01. However, if a greater separation is achieved through a setback, where the zoning lot on which the RCCS is:
 - a. Adjacent to the rear or side yard of residentially zoned property which is developed or developable for residential use, the minimum setback from the property line abutting said residential property shall be one foot for every three feet of structure height;
 - b. Zoned industrially and is adjacent to industrially zoned property, there shall be no additional setback; or
 - c. Adjacent to other type of property, the minimum setback from that property line shall be twenty percent (20%) of the structure height,

Unless the applicant can demonstrate, to the satisfaction of the reviewing entity, that one or more of the following mitigating factors justifies a reduction in the setback. The reduced setback, if approved, shall not be less than the required yards for principal structures in the applicable zoning district.

- a. The locating of the RCSS area in compliance with the setbacks would result in the removal of trees which could be saved by reducing the setback;
- b. The line of sight of the base of the RCSS is obscured from the primary vehicular and pedestrian movements on the adjacent properties by intervening buildings, trees, landscaping, or other such screen;
- c. An intervening use or activity, such as a wetland, retention area, etc., exists on the adjacent property;
- d. Compliance with the additional setback would prevent the collocation of additional RCA on the RCSS.
- e. The owner of the tower commits, in writing, to the reduction of the height of the tower within three years of its construction to a height which complies with the additional setback; or
- f. Other such mitigating factor.

The maximum structure height is two-hundred (200) feet. Any RCSS over 200 feet shall comply with the requirements for a Radio/Television Transmitting or Receiving Facility.

In all residential, AS-1, ASC-1 and C-N districts, any accessory building, such as a small maintenance building, shall be architecturally finished to be compatible with the neighborhood.

Insert attached

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Insert

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3. Radiotelephone Communication Support Structures of Certain Types Near Single Family Properties

The following types of new Radiotelephone Communication Support Structure (RCSS) proposed to be constructed within the distances below from ASC-1, AS-1, RSC, and single family PD-H zoning districts shall be reviewed as a Special Use:

| <u>Type of RCSS</u> | <u>Straight Line Distance from ASC-1, AS-1, RSC, and single family PD-H zoning districts</u> |
|---|--|
| <u>Lattice up to 200 feet in height</u> | <u>Within 400 feet</u> |
| <u>Monopole 100 to 200 feet in height</u> | <u>Within 250 feet</u> |

Notwithstanding the additional setbacks indicated above and elsewhere in this Code, monopoles up to 200 feet in height shall only be required to meet the same yards as those required for principal structures in areas already visually impacted by tall or intensive uses, including but not limited to electrical substations, fire stations, water or sewer treatment facilities, or power transmission corridors.

~~5.~~
6 As regards buffering and screening, such facilities shall be considered as a Group 2 use (see 6.06.05) in, or adjacent to all residential, AS-1, ASC-1, and C-N districts, as well as meeting any applicable Natural Resource (4.01.00) and Landscaping (6.06.00) regulations. In all other districts, such facilities shall be considered as Group 1 uses. For purposes of determining which buffering and screening requirement is applicable, the evaluation shall be made at the zoning lot boundary. In most instances, the required screening shall be located along the boundary of the RCSS area. When, however, the zoning lot is adjacent to existing residences or platted residential subdivisions, the Administrator may require the screening to be placed along all or a portion of the zoning lot boundary based upon characteristics of the subject site and of adjacent land uses. Factors to be considered in the Administrator's determination of the location of screening shall include, but not be limited to:

- a. The distance of the RCSS from existing residences.
- b. The amount of existing natural or man-made screening between the RCSS area and adjacent residences or platted residential lots.
- c. The size of the zoning lot containing the RCSS area.
- d. The number and orientation of adjacent residences or platted residential lots.

~~6.~~
7 There shall be adequate room on site for a minimum of one (1) maintenance vehicle to park and maneuver. The driveway and parking space do not need to be paved if they are able to be kept dust-free.

~~7.~~
8 There shall be no interference with nearby radio, television, or other communications facilities, as per FCC regulations.

~~8.~~
7 There shall be no restriction on or interference with air safety and air operations, as per FAA, Hillsborough County Aviation Authority, or MacDill AFB requirements.

C. A new RCSS shall not be approved unless it can be documented by the applicant, to the satisfaction of the Administrator, that there is a need for the new RCSS which cannot be met by an existing or approved RCSS or on some other appropriate structure. Factors that can be considered in this determination will include, but not be limited to one or more of the following:

1. New RCA(s) would exceed the structural capacity of existing and approved RCSS/ other appropriate structures, considering existing and planned use of those RCSS/ structures, and existing and approved towers/structures cannot be reinforced to accommodate new RCA(s) at a reasonable cost.
2. New RCA(s) would cause Radio Frequency (RF) interference which cannot be prevented at a reasonable cost.
3. Existing or approved RCSS's do not have sufficient space on which new RCA's can be placed or are not located so as to allow new RCA's to function effectively and reasonably in parity with other similar equipment in place or approved.
4. Other reasons that make it impracticable to place the equipment planned by the applicant on existing and approved towers or other appropriate structures or the leased property.

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|------------------------------------|---|
| Types of RCSS | Straight Line Distance from ASC-1, AS-1, RSC, and single-family PD-H zoning districts |
| Lattice up to 200 feet in height | Within 400 feet |
| Monopole 100 to 200 feet in height | Within 250 feet |

Notwithstanding the additional setbacks indicated above and elsewhere in this Code, monopoles up to 200 feet in height shall only be required to meet the same yards as those required for principal structures in areas already visually impacted by tall or intensive uses, including but not limited to electrical substations, fire stations, water or sewer treatment facilities, or power transmission corridors.

4. The maximum structure height is two-hundred (200) feet. Any RCSS over 200 feet shall comply with the requirements for a Radio/Television Transmitting or Receiving Facility.

5. In all residential, AS-1, ASC-1 and C-N districts, any accessory building, such as a small maintenance building, shall be architecturally finished to be compatible with the neighborhood.

6. As regards buffering and screening, such facilities shall be considered as a Group 5 use (see 6.06.05) in, or adjacent to all residential, AS-1, ASC-1, and C-N districts; . *Additionally, Radiotelephone Communication Towers shall be considered a Group 6 use in or adjacent to all M districts. In all other districts, such facilities shall be considered as Group 4 uses. In all cases, Radiotelephone Communications Towers shall as well as meeting any applicable Natural Resource (4.01.00) and Landscaping (6.06.00) regulations. In all other districts, such facilities shall be considered as Group 4 uses.* For purposes of determining which buffering and screening requirement is applicable, the evaluation shall be made at the zoning lot boundary. In most instances, the required screening shall be located along the boundary of the RCSS area. When, however, the zoning lot is adjacent to existing residences or platted residential subdivisions, the Administrator may require the screening to be place along all or a portion of the zoning lot boundary based upon characteristics of the subject site and of adjacent land uses. Factors to be considered in the Administrator's determination of the location of screening shall include, but not be limited to:
 - a. The distance of the RCSS from existing residences.
 - b. The amount of existing natural or man-made screening between the RCSS area and adjacent residences or platted residential lots.
 - c. The size of the zoning lot containing the RCSS area.
 - d. The number and orientation of adjacent residences or platted residential lots.

7. There shall be adequate room on site for a minimum of one (1) maintenance vehicle to park and maneuver. The driveway and parking space do not need to be paved if they are able to be kept dust-free.

8. There shall be no interference with nearby radio, television, or other communications facilities, as per FCC regulations.

- a. Adjacent to the rear or side yard of residentially zoned property which is developed or developable for residential use, the minimum setback from the property line abutting said residential property shall be one foot for every three feet of structure height;
 - b. Zoned industrially and is adjacent to industrially zoned property, there shall be no additional setback; or
 - c. Adjacent to other type of property, the minimum setback from that property line shall be twenty percent (20%) of the structure height,
- A. Unless the applicant can demonstrate, to the satisfaction of the reviewing entity, that one or more of the following mitigating factors justifies a reduction in the setback. The reduced setback, if approved, shall not be less than the required yards for principal structures in the applicable zoning district.
- a. The locating of the RCSS area in compliance with the setbacks would result in the removal of trees which could be saved by reducing the setback;
 - b. The line of sight of the base of the RCSS is obscured from the primary vehicular and pedestrian movements on the adjacent properties by intervening buildings, trees, landscaping, or other such screen;
 - c. An intervening use or activity, such as a wetland, retention area, etc., exists on the adjacent property;
 - d. Compliance with the additional setback would prevent the collocation of additional RCA on the RCSS.
 - e. The owner of the tower commits, in writing, to the reduction of the height of the tower within three years of its construction to a height which complies with the additional setback; or
 - f. Other such mitigating factor.

3. Radiotelephone Communication Support Structures of Certain Types Near ~~Single-family Residential~~ Properties

The following types of new Radiotelephone Communication Support Structure (RCSS) proposed to be constructed within the distances from ASC-1, AS-1, RSC, RMC, RDC and ~~single-family residential~~ PD-H zoning districts shall be reviewed as a Special Use:

| | |
|------------------------------------|---|
| Types of RCSS | Straight Line Distance from ASC-1, AS-1, RSC, RMC, RDC and single-family residential PD-H zoning districts |
| Lattice up to 200 feet in height | Within 400 feet |
| Monopole 100 to 200 feet in height | Within 250 feet |

Notwithstanding the additional setbacks indicated above and elsewhere in this Code, monopoles up to 200 feet in height shall only be required to meet the same yards as those required for principal structures in areas already visually impacted by tall or intensive uses, including but not limited to electrical substations, fire stations, water or sewer treatment facilities, or power transmission corridors.

4. The maximum structure height is two-hundred (200) feet. Any RCSS over 200 feet shall comply with the requirements for a Radio/Television Transmitting or Receiving Facility.
5. In all residential, AS-1, ASC-1 and C-N districts, any accessory building, such as a small maintenance building, shall be architecturally finished to be compatible with the neighborhood.
6. As regards buffering and screening, such facilities shall be considered as a Group 5 use (see 6.06.05) in, or adjacent to all residential, AS-1, ASC-1, and C-N districts. Additionally, Radiotelephone Communication Towers shall be considered a Group 6 use in or adjacent to all M districts. In all other districts, such facilities shall be considered as Group 4 uses. In all cases, Radiotelephone Communications Towers shall meet any applicable Natural Resource (4.01.00) and Landscaping (6.06.00) regulations. For purposes of determining which buffering and screening requirement is applicable, the evaluation shall be made at the zoning lot boundary. In most instances, the required screening shall be located along the boundary of the RCSS area. When, however, the zoning lot is adjacent to existing residences or platted residential subdivisions, the Administrator may require the screening to be placed along all or a portion of the zoning lot boundary based upon characteristics of the subject site and of adjacent land uses. Factors to be considered in the Administrator's determination of the location of screening shall include, but not be limited to:
 - a. The distance of the RCSS from existing residences.
 - b. The amount of existing natural or man-made screening between the RCSS area and adjacent residences or platted residential lots.
 - c. The size of the zoning lot containing the RCSS area.
 - d. The number and orientation of adjacent residences or platted residential lots.

Sec. 6.11.29. Communication Facilities, Radiotelephone *Wireless*

- A. **Radiotelephone *Wireless* Communication Antenna (R/WCA).** To encourage collocation and to minimize the number of Radiotelephone *Wireless* Communication Support Structures (R/WCSS), Radiotelephone *Wireless* Communication Antenna (R/WCA) shall be evaluated as an accessory use on or attached to any structure, including existing R/WCSSs, without additional zoning review.
- B. *Wireless facilities that are concealed within a legally permitted structure and are not visible or discernable as a wireless communication facility shall be exempt from the requirements of this Section.*
- BC. **Radiotelephone *Wireless* Communication Support Structures (R/WCSS) General Criteria.**
1. The R/WCSS may be located on a zoning lot containing other principal uses. The facility may be located within an area smaller than the minimum lot size of the applicable zoning district provided the zoning lot on which it is located complies with the applicable minimum lot size or, in non-residential and non-agricultural districts, is a legal nonconforming lot. Required yards and setbacks shall be measured from the boundary of the zoning lot. The area within which the R/WCSS is located (R/WCSS Area) shall be the area subject to all other the requirements of this section, unless otherwise provided herein.
 2. Such W/CSS facilities shall at a minimum, meet the same required yards as those for principal structures in the various districts as set forth in 6.01.01. However, if a greater separation is achieved through a setback, where the zoning lot on which the R/WCSS is:
 - a. Adjacent to the rear or side yard of residentially zoned property which is developed or developable for residential use, the minimum setback from the property line abutting said residential property shall be one foot for every three feet of structure height;
 - b. Zoned industrially and is adjacent to industrially zoned property, there shall be no additional setback; or
 - c. Adjacent to other type of property, the minimum setback from that property line shall be 20 percent of the structure height,

Unless the applicant can demonstrate, to the satisfaction of the reviewing entity, that one or more of the following mitigating factors justifies a reduction in the setback. The reduced setback, if approved, shall not be less than the required yards for principal structures in the applicable zoning district.

- a. The locating of the R/WCSS area in compliance with the setbacks would result in the removal of trees which could be saved by reducing the setback;
- b. The line of sight of the base of the R/WCSS is obscured from the primary vehicular and pedestrian movements on the adjacent properties by

intervening buildings, trees, landscaping, or other such screen;

- c. An intervening use or activity, such as a wetland, retention area, etc., exists on the adjacent property;
- d. Compliance with the additional setback would prevent the collocation of additional R/WCA on the R/WCSS.
- e. The owner of the tower commits, in writing, to the reduction of the height of the tower within three years of its construction to a height which complies with the additional setback; or
- f. Other such mitigating factor.

3. ~~Radiotelephone Communication Support Structures of Certain Types Near Residential Properties~~ *WCSS Design Requirements and Permitting Procedures*

The following design criteria and permitting procedures shall apply to all WCSS as defined by this Code.

a. *Design Criteria*

All new WCSS, with the exception of those proposed to be located in the AM, AI, CI and M zoning districts, shall be camouflaged as defined by this Code. WCSS located in the AM, AI, CI and M zoning districts may be of a monopole, lattice or camouflage design.

Examples of camouflaged towers are contained in the Wireless Communication Support Structure Technical Manual. Except as provided in 3.b.2 below, the applicant shall select the proposed structure type and shall demonstrate how the selection is of a nature or structure type that would be expected or anticipated to occur or be constructed in the general area of the proposed tower location.

b. *Review Process*

- 1. *All new WCSS located in RSC, RDC, RMC and residential PD zoning districts shall be reviewed pursuant to Section 10.02.00 as a Special Use. ~~The following types of~~ Additionally, all new ~~Radiotelephone Communication Support Structure (R/WCSS)~~ 100 to 200 feet in height that are proposed to be constructed in or within the distances 250 feet from of ASC-1, AS-1, RSC, RMC, RDC and residential PD zoning districts shall be reviewed pursuant to Section 10.02.00 as a Special Use.*

| Types of RCSS | Straight Line Distance from ASC-1, AS-1, RSC, RMC, RDC and residential PD zoning districts |
|---|---|
| Lattice up to 200 feet in height | Within 400 feet |
| Monopole 100 to 200 feet in height | Within 250 feet |

~~Notwithstanding the additional setbacks indicated above and elsewhere in this Code, monopoles up to 200 feet in height shall only be required to meet the same yards as those required for principal structures in areas already visually impacted by tall or intensive uses, including but not limited to electrical substations, fire stations, water or sewer treatment facilities, or power transmission corridors.~~

2. *All new WCSS 100 feet to 200 feet in height proposed to be located in excess of 250 feet from ASC-1, AS-1, RSC, RMC, RDC and residential PD zoning districts and all new WCSS less than 100 feet in height not located in ASC-1, AS-1, RSC, RMC, RDC and residential PD zoning districts shall be reviewed pursuant to Section 10.01.00. The table below identifies the zoning districts in which specific camouflage structure types are presumed compatible. If an alternative design to those identified below is desired, the request shall be reviewed pursuant to Section 10.02.00 as a Special Use.*

| Camouflage Structure Type | Location |
|---|---|
| Flagpoles | BPO, OR, CN & CG. Also A, AR & AS-0.4 zoned properties developed with sports/recreation facilities. |
| Crosses or other religious symbols | A, AR, AS-0.4, BPO, OR, CN, & CG zoned properties developed with churches or synagogues. |
| Bell towers, clock towers & water towers | A, AR, AS-0.4, BPO, OR, CN & CG. |
| Silos or grain elevators | A, AR & AS-0.4 |
| Sports/recreation area lights with internal antennas | A, AR, AS-0.4, BPO, OR, CN & CG zoned properties developed with sports/recreation facilities |
| Parking lot lights with internal antennas and close mounts | BPO, OR, CN & CG, provided the WCSS does not exceed existing parking lot lights by more than 20 feet. |
| Tree-type camouflaged | A, AR AS-0.4, BPO, OR, CN & CG. |
| Flush-mount antennas on monopoles or candelabra antenna arrays on monopoles | CG. |

c. **Camouflage Waiver Requirements**

The Land Use Hearing Officer, pursuant to the procedures at 10.02.00 and in accordance with subsection 11.04.02.D, shall have the option to waive or modify the camouflage requirements if the applicant demonstrates that the camouflage designs contained in the Wireless Communication Support Structure Technical Manual would be more visually obtrusive (present a wider profile, attract attention more through color, pattern, movement or other characteristics, or would be more out of character with the area in which the WCSS is to be located) than the proposed design.

4. The maximum structure height is 200 feet. Any RWCSS over 200 feet shall comply with the requirements for a Radio/Television Transmitting or Receiving Facility.

5. In all residential, AS-1, ASC-1 and C-N districts, any accessory building, such as a small maintenance building, shall be architecturally finished to be compatible with the neighborhood.
 6. As regards buffering and screening, such facilities shall be considered as a Group 5 use (see 6.06.056) in, or adjacent to all residential, AS-1, ASC-1, C-N, C-G and CI districts. Additionally, Radiotelephone *Wireless* Communication Towers shall be considered a Group 6 use in or adjacent to all M districts. In all other districts, such facilities shall be considered as Group 4 uses. In all cases, Radiotelephone *Wireless* Communications Towers shall meet any applicable Natural Resource (4.01.00) and Landscaping (6.06.00) regulations. For purposes of determining which buffering and screening requirement is applicable, the evaluation shall be made at the zoning lot boundary. In most instances, the required screening shall be located along the boundary of the R/WCSS area. When, however, the zoning lot is adjacent to existing residences or platted residential subdivisions, the Administrator may require the screening to be placed along all or a portion of the zoning lot boundary based upon characteristics of the subject site and of adjacent land uses. Factors to be considered in the Administrator's determination of the location of screening shall include, but not be limited to:
 - a. The distance of the R/WCSS from existing residences.
 - b. The amount of existing natural or man-made screening between the R/WCSS area and adjacent residences or platted residential lots.
 - c. The size of the zoning lot containing the R/WCSS area.
 - d. The number and orientation of adjacent residences or platted residential lots.
 7. There shall be adequate room on site for a minimum of one maintenance vehicle to park and maneuver. The driveway and parking space do not need to be paved if they are able to be kept dust-free.
 8. There shall be no interference with nearby radio, television, or other communications facilities, as per FCC regulations.
 9. There shall be no restriction on or interference with air safety and air operations, as per FAA, Hillsborough County Aviation Authority, or MacDill AFB requirements. *Additionally, all WCSS and Radio and Television Transmitting and Receiving Facilities shall comply with all FCC permit approvals regarding Historic Properties.*
- GD. A new R/WCSS shall not be approved unless it can be documented by the applicant, to the satisfaction of the Administrator, that there is a need for the new R/WCSS which cannot be met by an existing or approved R/WCSS, *on a public structure*, or on some other appropriate structure. Factors that can be considered in this determination will include, but not be limited to one or more of the following:

1. New *R/WCA*(s) would exceed the structural capacity of existing and approved *R/WCSS*/ other appropriate structures, considering existing and planned use of those *R/WCSS*/ structures, and existing and approved towers/structures cannot be reinforced to accommodate new *R/WCA*(s) at a reasonable cost.
2. New *R/WCA*(s) would cause Radio Frequency (RF) interference which cannot be prevented at a reasonable cost.
3. Existing or approved *R/WCSS*'s do not have sufficient space on which new *R/WCA*'s can be placed or are not located so as to allow new *R/WCA*'s to function effectively and reasonably in parity with other similar equipment in place or approved.
4. Other reasons that make it impracticable to place the equipment planned by the applicant on existing and approved towers or other appropriate structures or the leased property.

Documentation shall be submitted to the Administrator at the time of the permit application and shall contain, at a minimum, if applicable, a signed statement from appropriate accredited experts (~~e.g., engineer~~), *including but not limited to a radio frequency engineer and/or a structural engineer*, outlining the reasons as to why the proposed *R/WCSS* is needed. Appropriate support material, for verification by staff, shall be included.

Reasonable cost shall be defined as the point up to which the cost, including any leasing agreement, of collocation exceeds what would be the cost for the applicant to construct a new *R/WCSS*. Construction costs shall not only include costs associated with the actual construction of a new *R/WCSS* (including building permits), but also those costs that would be incurred by the applicant in order to secure either a permit, if required for the construction of a new *R/WCSS*.

- DE.* The applicant for a new *R/WCSS* shall submit a letter of intent committing the *R/WCSS* owner and its successors to allow shared use of the *R/WCSS* as per the criteria established above or to allow a replacement tower to be erected within the *R/WCSS* Area provided that the replacement is physically and contractually feasible and that the cost of modifying or replacing the *R/WCSS* to accommodate the collocated *R/WCA* is borne by the collocating company. Said letter of intent shall be filed in the Office of the County Clerk and the Administrator prior to any building permit being issued. Reasonable charges (costs) shall be as outlined in *CD.* above.
- EF.* In order to provide the opportunity for other telecommunication users to collocate on the *R/WCSS*, the applicant shall notice other potential users of the new *R/WCSS* offering an opportunity for collocation. If during the permit review period, another potential user requests collocation in writing to the Administrator, the request shall be accommodated, unless it can be documented as outlined in *CD.* above, that collocation is not possible.
- FG.* The Administrator shall approve requests for collocation of a *R/WCA* on an existing and/or permitted facility; a permit will not be required. If the height of the facility increases as a result of collocation, the Administrator may waive any additional setback that would be required per *BC.2.* above. If deemed appropriate and compatible by the

Administrator, the Administrator may permit the height of the facility to exceed the maximum structure height, as outlined in BC.3. above, by 25 feet in order to allow collocation.

GH. An existing R/WCSS may be replaced for purposes of accommodating collocation of other R/WCAs or otherwise, without additional zoning action, provided that:

1. The replacement R/WCSS does not exceed 200 feet or as provided in FG. above.
2. The replacement R/WCSS is located within the same or adjacent zoning lot as the existing R/WCSS and is located so as to maximize compliance with existing setbacks.
3. The existing R/WCSS is removed within 90 days of the completion of the replacement R/WCSS and the relocation of the R/WCA(s).
4. If the location of the replacement R/WCSS is such that the existing R/WCSS must be removed before the replacement R/WCSS is constructed, a temporary portable antennae support facilities may be used, but must be removed within 30 days of the completion of the replacement R/WCSS and the relocation of the R/WCA(s).

HI. Any R/WCSS which is abandoned shall be removed or demolished either by the owner of the tower, or by the property owner, but not at Hillsborough County's expense. For the purposes of this section, abandoned shall mean that no commercial operation of any R/WCA or other commercial antenna on the R/WCSS has occurred for a one-year period.

PART 12.01.00

DEFINITIONS

Accessory Dwelling: A second dwelling unit that is located in an owner occupied single family detached home, or is a separate detached structure on the same lot as an owner-occupied single family detached home. Such dwelling units shall contain their own sleeping, individual kitchen, as defined herein, bathing and toilet facilities. The facilities may be of efficient design but shall be adequate for independent residential use. *Occupancy of the accessory dwelling and principal dwelling by members of the same family or other related persons shall have no bearing on the applicability of this definition.*

Agriculture: The use of land for one or more of the following:

5. Greenhouses, nurseries *plant farms* and ornamental horticulture;

Architectural Review Board: See Historic Resources Review Board. ~~**Area of Shallow Flooding:** A designated AO or VO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. **Area of Special Flood Hazard:** Land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. **Art Gallery:** Use of a structure or building for the display of sculptures, painting, photographs, or other artistic works for public viewing with only incidental sales.~~

***Area of Shallow Flooding:** A designated AO or VO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.*

***Area of Special Flood Hazard:** Land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year.*

***Art Gallery:** Use of a structure or building for the display of sculptures, painting, photographs, or other artistic works for public viewing with only incidental sales.*

***Camouflaged Wireless Communication Support Structure:** Any wireless communication support structure designed to hide, obscure or conceal the presence of antennas and the tower. Such structures include but are not limited to tree towers, clock towers, bell towers, church steeples, water towers, ball field and stadium lights, flag poles, silos, flush mounts, candelabras and close mounts.*

Communication Facility, Radiotelephone Wireless: See also Radio/Television Transmitting or Receiving Facility.

***Wireless Communication Antenna (WCA):** Any antenna used for the transmission or reception of wireless communication signals for radiotelephones or other similar personal or wireless communication devices, excluding those used for ham radio antennas, radio or television receiving antennas and dishes, and radio/television transmitting or receiving facilities.*

Sec. 2.02.02. Allowable Uses In Zoning Districts

2. All uses are potentially permitted in Planned Development (PD) districts, subject to the policies of the Comprehensive Plan, the requirements of Part 5.03.00 of this Code and all other rules regulations and ordinances of Hillsborough County. Land uses permitted in existing Planned Development districts are specified in the PD's conditions of approval. Requests for rezonings or modifications to Planned Developments are reviewed in accordance with Part 10.03.00 of this Code.
 - a. *In Planned Development (PD) districts approved after October 1, 2005, wireless communication facilities shall be permitted only if expressly allowed as a specifically identified use by the conditions of approval. In such cases, the location of the facility, height of the antenna support structure and design and/or camouflage requirements shall be addressed by the PD site plan and conditions. Notwithstanding, wireless communication facilities which comply with the provisions of Sections 6.11.29.A-B shall be permitted in any PD district.*

Sec. 6.11.29. Communication Facilities, Wireless

- A. Wireless Communication Antenna (WCA). To encourage collocation and to minimize the number of Wireless Communication Support Structures (WCSS), Wireless Communication Antenna (WCA) shall be evaluated as an accessory use on or attached to any structure, including existing WCSSs, without additional zoning review.
- B. Wireless facilities that are concealed within a legally permitted structure and are not visible or discernable as a wireless communication facility shall be exempt from the requirements of this Section.
- C. *Except as provided above, wireless communication facilities shall be permitted in Planned Development (PD) districts approved after October 1, 2005 only if expressly allowed as a specifically identified use by the conditions of approval. In such cases, the location of the facility, height of the antenna support structure and design and/or camouflage requirements shall be addressed by the PD site plan and conditions.*
- 6D. Wireless Communication Support Structures (WCSS) General Criteria

3. WCSS Design Requirements and Permitting Procedures

The following design criteria and permitting procedures shall apply to all WCSS as defined by this Code.

a. Design Criteria

All new WCSS, with the exception of those proposed to be located in

the AM, AI, CI and M zoning districts, and PD and IPD districts which generally permit the AM, AI, CI or M use categories, shall be camouflaged as defined by this Code. WCSS located in the AM, AI, CI and M zoning districts, or PD and IPD districts which generally permit the AM, AI, CI or M use categories, may be of a monopole, lattice or camouflage design.

Examples of camouflaged towers are contained in the Wireless Communication Support Structure Technical Manual. Except as provided in 3.b.2 below, the applicant shall select the proposed structure type and shall demonstrate how the selection is of a nature or structure type that would be expected or anticipated to occur or be constructed in the general area of the proposed tower location.

b. Review Process

1. ~~All new WCSS located in RSC, RDC, RMC and residential PD zoning districts shall be reviewed pursuant to Section 10.02.00 as a Special Use. Additionally, all new WCSS 100 to 200 feet in height that are proposed to be constructed in or within 250 feet of ASC 1, AS 1, RSC, RMC, RDC and residential PD zoning districts shall be reviewed pursuant to Section 10.02.00 as a Special Use.~~

New WCSS shall be reviewed as a Special Use pursuant to Section 10.02.00 of this Code in the following circumstances:

- *All WCSS proposed to be located in RSC, RDC, RMC and residential PD and IPD zoning districts; and,*
 - *All WCSS proposed to be located in CPV, BMS, UAC and TND districts permitting residential uses, excluding parcels developed with office or commercial uses; and,*
 - *WCSS 100 to 200 feet in height proposed to be located in the ASC-1 and AS-1 districts; and,*
 - *WCSS 100 to 200 feet in height proposed to be located within 250 feet of the ASC-1, AS-1, RSC, RMC, RDC and residential PD and IPD zoning districts; and,*
 - *WCSS 100 to 200 feet in height proposed to be located within 250 feet of CPV, BMS, UAC and TND districts permitting residential uses, excluding parcels developed with office or commercial uses.*
2. ~~All new WCSS 100 feet to 200 feet in height proposed to be located in excess of 250 feet from ASC 1, AS 1, RSC, RMC, RDC and~~

residential PD zoning districts and all new WCSS less than 100 feet in height not located in ASC-1, AS-1, the RSC, RMC, RDC and residential PD zoning districts All other proposed WCSS shall be reviewed pursuant to Section 10.01.00. The table below identifies the zoning districts in which specific camouflage structure types are presumed compatible. If an alternative design to those identified below is desired, the request shall be reviewed pursuant to Section 10.02.00 as a Special Use.

| Camouflage Structure Type | Location |
|--|---|
| Flagpoles | <p>BPO, OR, R-BPO, CN & CG districts.</p> <p><i>PD and IPD districts which generally permit the BPO, OR, CN or CG use categories*.</i></p> <p><i>CPV, BMS, UAC and TND districts developed with, or restricted to, non-residential uses.</i></p> <p>Also A, AR, & AS-0.4, <u>AS-1 and ASC-1</u> zoned properties developed with sports/recreation facilities.</p> |
| Crosses or other religious symbols | <p>A, AR, AS-0.4, BPO, OR, R-BPO, CN, & CG, PD, IPD, CPV, BMS, UAC and TND zoned properties developed with churches or synagogues*.</p> |
| Bell towers, clock towers & water towers | <p>A, AR, AS-0.4, <u>AS-1, ASC-1</u>, BPO, OR, R-BPO, CN & CG districts.</p> <p><i>PD and IPD districts which generally permit the A, AR, AS-0.4, BPO, OR, CN and CG use categories*.</i></p> <p><i>CPV, BMS, UAC and TND districts developed with, or restricted to, non-residential uses.</i></p> |
| Silos or grain elevators | <p>A, AR & AS-0.4, and PD and IPD districts which generally permit the A, AR and AS-0.4 use categories*.</p> |
| Sports/recreation area lights with internal antennas | <p>A, AR, AS-0.4, BPO, OR, R-BPO, CN, & CG, PD, IPD, CPV, BMS, UAC and TND zoned properties developed with sports/recreation facilities*.</p> |

| | |
|--|---|
| <p>Parking lot lights with internal antennas and close mounts, <i>provided the WCSS does not exceed the height of existing light structures by more than 20 feet</i></p> | <p>BPO, OR, CN & CG districts.</p> <p><i>PD and IPD districts which generally permit the BPO, OR, CN and CG use categories*.</i></p> <p><i>CPV, BMS, UAC and TND districts developed with non-residential uses.</i></p> <p>provided the WCSS does not exceed existing parking lot lights by more than 20 feet.</p> |
| <p>Tree-type camouflaged</p> | <p>A, AR AS-0.4, BPO, OR, CN & CG districts.</p> <p><i>PD and IPD districts which generally permit the A, AR, AS-0.4, BPO, OR, CN and CG use categories*.</i></p> <p><i>CPV, BMS, UAC and TND districts developed with, or restricted to, non-residential uses.</i></p> |
| <p>Flush mount antennas on monopoles or candelabra antenna arrays on monopoles</p> | <p>CG district.</p> <p><i>PD and IPD districts which generally permit the CG use category*.</i></p> <p><i>CPV, BMS, UAC and TND districts developed with, or restricted to, CG uses.</i></p> |

** Only those PD and IPD districts approved before October 1, 2005*

- DE.** A new WCSS shall not be approved unless it can be documented by the applicant, to the satisfaction of the Administrator, that there is a need for the new WCSS which cannot be met by an existing or approved WCSS, on a public structure, or on some other appropriate structure. Factors that can be considered in this determination will include, but not be limited to one or more of the following:
- EF.** The applicant for a new WCSS shall submit a letter of intent committing the WCSS owner and its successors to allow shared use of the WCSS as per the criteria established above or to allow a replacement tower to be erected within the WCSS Area provided that the replacement is physically and contractually feasible and that the cost of modifying or replacing the WCSS to accommodate the collocated WCA is borne by the collocating company. Said letter of intent shall be filed in the Office of the County Clerk and the Administrator prior to any building permit being issued. Reasonable charges (costs) shall be as outlined in D. above.

- FG. In order to provide the opportunity for other telecommunication users to collocate on the WCSS, the applicant shall notice other potential users of the new WCSS offering an opportunity for collocation. If during the permit review period, another potential user requests collocation in writing to the Administrator, the request shall be accommodated, unless it can be documented as outlined in D. above, that collocation is not possible.
- GH. The Administrator shall approve requests for collocation of a WCA on an existing and/or permitted facility; a permit will not be required. If the height of the facility increases as a result of collocation, the Administrator may waive any additional setback that would be required per C.2. above. If deemed appropriate and compatible by the Administrator, the Administrator may permit the height of the facility to exceed the maximum structure height, as outlined in C.3. above, by 25 feet in order to allow collocation.
- HI. An existing WCSS may be replaced for purposes of accommodating collocation of other WCAs or otherwise, without additional zoning action, provided that:
- IJ. Any WCSS which is abandoned shall be removed or demolished either by the owner of the tower, or by the property owner, but not at Hillsborough County's expense. For the purposes of this section, abandoned shall mean that no commercial operation of any WCA or other commercial antenna on the WCSS has occurred for a one-year period.

Sec. 6.11.29. Communication Facilities, Wireless

D. Wireless Communication Support Structures (WCSS) General Criteria.

3. WCSS Design Requirements and Permitting Procedures

The following design criteria and permitting procedures shall apply to all WCSS as defined by this Code.

b. Review Process

1. Completeness Review

All applications for WCSS are deemed submitted or resubmitted on the date the application is received by the Administrator. If the Administrator fails to notify the applicant in writing that the application is not completed in compliance with this Code within 20 business days after the date the application is initially submitted or additional information resubmitted, the application is deemed complete, properly submitted and review shall continue:

• Once an application is corrected either by submission of the additional information, or it is considered complete by the lack of comments from local government agencies that it is incomplete within the 20 business day time frame, then the review moves forward and a decision must be rendered within the normal timeframes of review, as outlined in Sec. 10.02.02.C of this Code.

• Failure to grant or deny a properly completed application within the timeframes designated for review renders the application automatically approved and the applicant may proceed with placement of the new tower without interference or penalty.

2. New WCSS shall be reviewed as a Special Use pursuant to Section 10.02.00, *except that Section 6.11.29.D.3.b.1 above regarding application completeness review shall apply of this Code* in the following circumstances:

• All WCSS proposed to be located in RSC, RDC, RMC and residential PD and IPD zoning districts; and,

• All WCSS proposed to be located in CPV, BMS, UAC and TND districts permitting residential uses, excluding

parcels developed with office or commercial uses; and,

- WCSS 100 to 200 feet in height proposed to be located in the ASC-1 and AS-1 districts; and,

- WCSS 100 to 200 feet in height proposed to be located within 250 feet of the ASC-1, AS-1, RSC, RMC, RDC and residential PD and IPD zoning districts; and,

- WCSS 100 to 200 feet in height proposed to be located within 250 feet of CPV, BMS, UAC and TND districts permitting residential uses, excluding parcels developed with office or commercial uses.

32. All other proposed WCSS shall be reviewed pursuant to Section 10.01.00, *except that Section 6.11.29.D.3.b.1 above regarding application completeness review shall apply.* The table below identifies the zoning districts in which specific camouflage structure types are presumed compatible. If an alternative design to those identified below is desired, the request shall be reviewed pursuant to Section 10.02.00 as a Special Use, *except that Section 6.11.29.D.3.b.1 above regarding application completeness review shall apply.*

| Camouflage Structure Type | Location |
|---------------------------|--|
| Flagpoles | BPO, OR, R-BPO, CN & CG districts. PD and IPD districts which generally permit the BPO, OR, CN or CG use categories*. CPV, BMS, UAC and TND districts developed with, or restricted to, non-residential uses. Also A, AR, AS-0.4, AS-1 and ASC-1 zoned properties developed with sports/recreation facilities. |
| Bell towers, clock towers | A, AR, AS-0.4, AS-1, ASC-1, BPO, OR, R-BPO, CN & CG districts. PD and IPD districts which generally permit the A, AR, AS-0.4, AS-1, ASC-1, BPO, OR, CN and CG use categories*. CPV, BMS, UAC and TND districts developed with, or restricted to, non-residential uses. |

| | |
|--|--|
| Parking lot lights with internal antennas and close mounts, provided the WCSS does not exceed the height of existing light structures by more than 20 feet | BPO, OR, CN & CG districts. PD and IPD districts which generally permit the BPO, OR, CN and CG use categories*. CPV, BMS, UAC and TND districts developed with non-residential uses. |
| Tree-type camouflaged | A, AR AS-0.4, AS-1, ASC-1, BPO, OR, CN & CG districts. PD and IPD districts which generally permit the A, AR, AS-0.4, AS-1, ASC-1, BPO, OR, CN and CG use categories*. CPV, BMS, UAC and TND districts developed with, or restricted to, non-residential uses. |

*Only those PD and IPD districts approved before October 1, 2005

4. *The Administrator shall grant or deny each properly completed application for collocation reviewed pursuant to Section 10.01.00, except that Section 6.11.29.D.3.b.1 above regarding application completeness review shall apply, but in no case later than 45 business days after the application is determined to be properly completed.*

c. **Camouflage Waiver Requirements**

The Land Use Hearing Officer, pursuant to the procedures at 10.02.00 and in accordance with subsection 11.04.02.D, shall have the option to waive or modify the camouflage requirements if the applicant demonstrates that the camouflage designs contained in the Wireless Communication Support Structure Technical Manual would be more visually obtrusive (present a wider profile, attract attention more through color, pattern, movement or other characteristics, or would be more out of character with the area in which the WCSS is to be located) than the proposed design.

4. The maximum structure height is 200 feet. Any WCSS over 200 feet shall comply with the requirements for a Radio/Television Transmitting or Receiving Facility.
5. In all residential, AS-1, ASC-1 and C-N districts, any accessory building, such as a small maintenance building, shall be architecturally finished to be compatible with the neighborhood.
6. As regards buffering and screening, such facilities shall be considered as a

Group 5 use (see 6.06.06) in, or adjacent to all residential, AS-1, ASC-1, C-N, C-G and CI districts. Additionally, Wireless Communication Towers shall be considered a Group 6 use in or adjacent to all M districts. In all other districts, such facilities shall be considered as Group 4 uses. In all cases, Wireless Communications Towers shall meet any applicable Natural Resource (4.01.00) and Landscaping (6.06.00) regulations. For purposes of determining which buffering and screening requirement is applicable, the evaluation shall be made at the zoning lot boundary. In most instances, the required screening shall be located along the boundary of the WCSS area. When, however, the zoning lot is adjacent to existing residences or platted residential subdivisions, the Administrator may require the screening to be placed along all or a portion of the zoning lot boundary based upon characteristics of the subject site and of adjacent land uses. Factors to be considered in the Administrator's determination of the location of screening shall include, but not be limited to:

- a. The distance of the WCSS from existing residences.
 - b. The amount of existing natural or man-made screening between the WCSS area and adjacent residences or platted residential lots.
 - c. The size of the zoning lot containing the WCSS area.
 - d. The number and orientation of adjacent residences or platted residential lots.
7. There shall be adequate room on site for a minimum of one maintenance vehicle to park and maneuver. The driveway and parking space do not need to be paved if they are able to be kept dust-free.
- ~~8. There shall be no interference with nearby radio, television, or other communications facilities, as per FCC regulations.~~
89. There shall be no restriction on or interference with air safety and air operations, as per FAA, Hillsborough County Aviation Authority, or MacDill AFB requirements. Additionally, all WCSS and Radio and Television Transmitting and Receiving Facilities shall comply with all FCC permit approvals regarding Historic Properties.

PART 12.01.00

DEFINITIONS

Collocation (Wireless Communications Facility): A situation when a second or subsequent wireless provider uses an existing structure to locate a second or subsequent antennae. The term includes the ground, platform, or roof installation of equipment

enclosures, cabinets, or buildings, and cables, brackets, and other equipment associated with the locations and operation of the antennae.

***Existing Structure (Wireless Communications Facility):** A structure that exists at the time an application for permission to place antennae on a structure is filed with a local government. The term includes any structure that can structurally support the attachment of antennae in compliance with applicable codes.*

Sec. 6.11.29. Communication Facilities, Wireless

D. Wireless Communication Support Structures (WCSS) General Criteria.

3. WCSS Design Requirements and Permitting Procedures

The following design criteria and permitting procedures shall apply to all WCSS as defined by this Code.

a. Design Criteria

All new WCSS, with the exception of those proposed to be located in the AM, AI, CI and M zoning districts, and PD and IPD districts which generally permit the AM, AI, CI or M use categories, shall be camouflaged as defined by this Code. WCSS located in the AM, AI, CI and M zoning districts, or PD and IPD districts which generally permit the AM, AI, CI or M use categories, may be of a monopole, lattice or camouflage design.

Examples of camouflaged towers are contained in the Wireless Communication Support Structure Technical Manual. Except as provided in 3.b.2 below, the applicant shall select the proposed structure type and shall demonstrate how the selection is of a nature or structure type that would be expected or anticipated to occur or be constructed in the general area of the proposed tower location.

b. Review Process

1. Completeness Review

All applications for WCSS are deemed submitted or resubmitted on the date the application is received by the Administrator. If the Administrator fails to notify the applicant in writing that the application is not completed in compliance with this Code within 20 business days after the date the application is initially submitted or additional information resubmitted, the application is deemed complete, properly submitted and review shall continue:

- Once an application is corrected either by submission of the additional information, or it is considered complete by the lack of comments

from local government agencies that it is incomplete within the 20 business day time frame, then the review moves forward and a decision must be rendered within the normal timeframes of review, as outlined in Sec. 10.02.02.0 of this Code.

- Failure to grant or deny a properly completed application within the timeframes designated for review renders the application automatically approved and the applicant may proceed with placement of the new tower without interference or penalty.

2. New WCSS shall be reviewed as a Special Use pursuant to Section 10.02.00, except that Section 6.11.29.D.3.b.1. above regarding application completeness review shall apply in the following circumstances:

- All WCSS proposed to be located in RSC, RDC, RMC and residential PD and IPD zoning districts; and,
- All WCSS proposed to be located in CPV, BMS, UAC and TND districts permitting residential uses, excluding parcels developed with office or commercial uses; and,
- WCSS 100 to 200 feet in height proposed to be located in the ASC-1 and AS-1 districts; and,
- WCSS 100 to 200 feet in height proposed to be located within 250 feet of the ASC-1, AS-1, RSC, RMC, RDC and residential PD and IPD zoning districts; and,
- WCSS 100 to 200 feet in height proposed to be located within 250 feet of CPV, BMS, UAC and TND districts permitting residential uses, excluding parcels developed with office or commercial uses.

3. *WCSS and Schools*

New WCSS to be located on the campus of a school shall be considered a permitted use and shall follow the provisions of Section 4.1.3.5 of the DRPM provided the following criteria are met:

- i. *The principal of the school where the WCSS is to be located has provided a letter of support to the Administrator for the WCSS.*
- ii. *The campus is at least five (5) acres in size.*
- iii. *WCSS 100 to 200' feet in height must maintain a setback of 250 feet from ASC-1, AS-1, RSC, RMC, RDC, CPV, BMS, UAC, residential PD and IPD zoning districts and TND districts permitting residential uses, excluding parcels developed with office or commercial uses; provided however, WCSS on school campuses located in zoning categories AM, AI, CI and M shall be exempt from this provision.*
- iv. *The WCSS must be designed and built as a camouflaged WCSS unless the following additional criteria are met:*
 - a. *The WCSS is smaller than 36 inches in diameter at the narrowest point on the WCSS; and*
 - b. *The WCSS is designed to house at least three wireless carriers; and*
 - c. *The setback from residentially zoned property is at least one (1) foot for every four (4) feet of structure height.*
 - d. *All cables are placed internal to the WCSS but the antennae may be external.*

4 3. All other proposed WCSS shall be reviewed pursuant to Section 10.01.00, except that Section 6.11.29.D.3.b.1 above regarding application completeness review shall apply. The table below identifies the zoning districts in which specific camouflage structure types are presumed compatible. If an alternative design to those identified below is desired, the request shall be reviewed pursuant to Section 10.02.00 as a Special Use, except that Section 6.11.29.D.3.b.1 above regarding application completeness review shall apply.

| Camouflage Structure Type | Location |
|--|---|
| Flagpoles | BPO, OR, R-BPO, CN & CG districts. PD and IPD districts which generally permit the BPO, OR, CN or CG use categories*. CPV, BMS, UAC and TND districts developed with, or restricted to, non residential uses. Also A, AR, AS-0.4, AS-1 and ASC-1 zoned properties developed with sports/recreation facilities |
| Bell towers, clock towers | A, AR, AS-0.4, AS-1, ASC-1, BPO, OR, R-BPO, CN & CG districts. PD and IPD districts which generally permit the A, AR, AS-0.4, AS-1, ASC-1, BPO, OR, CN and CG use categories*. CPV, BMS, UAC and TND districts developed with, or restricted to, non residential uses. |
| Parking lot lights with internal antennas and close mounts, provided the WCSS does not exceed the height of existing light structures by more than 20 feet | BPO, OR, CN & CG districts. PD and IPD districts which generally permit the BPO, OR, CN and CG use categories*. CPV, BMS, UAC and TND districts developed with non-residential uses |
| Tree-type camouflaged | A, AR AS-0.4, AS-1, ASC-1, BPO, OR, CN & CG districts. PD and IPD districts which generally permit the A, AR, AS-0.4, AS-1, ASC-1, BPO, OR, CN and CG use categories*. CPV, BMS, UAC and TND districts developed with, or restricted to, non residential uses. |

*Only those PD and IPD districts approved before October 1, 2005

5 4. The Administrator shall grant or deny each properly completed application for collocation reviewed pursuant to Section 10.01.00, except that Section 6.11.29.D.3.b.1 above regarding application completeness review shall apply, but in no case later than 45 business days after the application is determined to be properly completed.

c. **Camouflage Waiver Requirements**

The Land Use Hearing Officer, pursuant to the procedures at 10.02.00 and in accordance with subsection 11.04.02.D, shall have the option to waive or modify the camouflage requirements if the applicant demonstrates that the camouflage designs contained in the Wireless Communication Support Structure Technical Manual would be more visually obtrusive (present a wider profile, attract attention more through color, pattern, movement or other characteristics, or would be more

out of character with the area in which the WCSS is to be located) than the proposed design.

4. The maximum structure height is 200 feet. Any WCSS over 200 feet shall comply with the requirements for a Radio/Television Transmitting or Receiving Facility.
5. In all residential, AS-1, ASC-1 and C-N districts, any accessory building, such as a small maintenance building, shall be architecturally finished to be compatible with the neighborhood.
6. As regards buffering and screening, such facilities shall be considered as a Group 5 use (see 6.06.06) in, or adjacent to all residential, AS-1, ASC-1, C-N, C-G and CI districts. Additionally, Wireless Communication Towers shall be considered a Group 6 use in or adjacent to all M districts. In all other districts, such facilities shall be considered as Group 4 uses. In all cases, Wireless Communications Towers shall meet any applicable Natural Resource (4.01.00) and Landscaping (6.06.00) regulations. For purposes of determining which buffering and screening requirement is applicable, the evaluation shall be made at the zoning lot boundary. In most instances, the required screening shall be located along the boundary of the WCSS area. When, however, the zoning lot is adjacent to existing residences or platted residential subdivisions, the Administrator may require the screening to be placed along all or a portion of the zoning lot boundary based upon characteristics of the subject site and of adjacent land uses. Factors to be considered in the Administrator's determination of the location of screening shall include, but not be limited to:
 - a. The distance of the WCSS from existing residences.
 - b. The amount of existing natural or man-made screening between the WCSS area and adjacent residences or platted residential lots.
 - c. The size of the zoning lot containing the WCSS area.
 - d. The number and orientation of adjacent residences or platted residential lots.
7. *Section 6.11.29.D.6 shall apply to WCSS on school campuses unless one of the following criteria is met:*

- a. *The WCSS already meets either the 250 foot setback in 6.11.29.D.3.b.3(iii) or the enhanced setback in 6.11.29.D.3.b.3(iv); or*
 - b. *There is intervening existing screening, such as but not limited to, landscaping, existing structures, an existing wall or fence, or a berm between the portion of the WCSS immediately facing residentially zoned property and the residentially zoned property. If this criteria cannot be met, only the portion of the WCSS immediately facing the residentially zoned property shall be subject to Section 6.11.29.D.6.*
- 8 7. There shall be adequate room on site for a minimum of one maintenance vehicle to park and maneuver. The driveway and parking space do not need to be paved if they are able to be kept dust-free.
- 9 8. There shall be no restriction on or interference with air safety and air operations, as per FAA, Hillsborough County Aviation Authority, or MacDill AFB requirements. Additionally, all WCSS and Radio and Television Transmitting and Receiving Facilities shall comply with all FCC permit approvals regarding Historic Properties.

Exhibit "A"

The intent of this amendment is to create a clear process with specific performance standards for the placement of WCSS on public school campuses. The proposed amendment clarifies the method that new WCSS on school campuses are approved. Specific performance standards are established to protect the health, safety and welfare of the public and to give certainty to the process. The proposed amendment recognizes the differences in impact between locating a WCSS on a large tract of land housing an institutional use and a new WCSS located on a smaller parcel in a commercial district.

Sec. 6.11.29. Communication Facilities, Wireless

D. Wireless Communication Support Structures (WCSS) General Criteria.

3. WCSS Design Requirements and Permitting Procedures

The following design criteria and permitting procedures shall apply to all WCSS as defined by this Code.

b. Review Process

3. WCSS and Schools

New WCSS to be located on the campus of a school shall be reviewed as a Special Use pursuant to Section 10.02.00 and Section 6.11.29 D.3.b.1. above regarding completeness review shall apply. ~~considered a permitted use and shall follow the provisions of Section 4.1.3.5 of the DRPM provided the following criteria are met:~~

- ~~i. The principal of the school where the WCSS is to be located has provided a letter of support to the Administrator for the WCSS.~~
- ~~ii. The campus is at least five (5) acres in size.~~
- ~~iii. WCSS 100 to 200 feet in height must maintain a setback of 250 feet from ASC 1, AS 1, RSC, RMC, RDC, CPV, BMS, UAC, residential PD and IPD zoning districts and TND districts permitting residential uses, excluding parcels developed with office or commercial uses; provided however, WCSS on school campuses located in zoning categories AM, AI, CI and M shall be exempt from this provision.~~
- iv. The WCSS must be designed and built as a camouflaged WCSS unless the following additional criteria are met:
 - a. The WCSS is smaller than 36 inches in diameter at the narrowest point on the WCSS; and
 - b. The WCSS is designed to house at least three wireless carriers; and

- c. The setback from residentially zoned property is at least one (1) foot for every four (4) feet of structure height.
- d. All cables are placed internal to the WCSS but the antennae may be external.

7. Section 6.11.29.D.6 shall apply to WCSS on school campuses unless one of the following criteria is met:

- a. *The WCSS maintains a setback from ASC-1, AS-1, RSC, RMC, RDC, CPV, BMS, UAC, residential PD and IPD zoning districts and TND districts permitting residential uses, excluding parcels developed with office or commercial uses, of at least one (1) foot for every four (4) feet of structure height already meets either the 250 foot setback in 6.11.29.D.3.b.3(iii) or the enhanced setback in 6.11.29.D.3.b.3(iv); or*
- b. There is intervening existing screening, such as but not limited to, landscaping, existing structures, an existing wall or fence, or a berm between the portion of the WCSS immediately facing residentially zoned property and the residentially zoned property. If this ~~criteria~~ *criterion* cannot be met, only the portion of the WCSS immediately facing the residentially zoned property shall be subject to Section 6.11.29.D.6.