

Summary of Issues and Concern related to Neighborhoods and Property Identified by CCAC, May 4 and May 25 Meetings

(DRAFT, prepared 5/20/2011; amended by CCAC 5/25/2011; final section on “Safety” added 6/8/2011)

Goals:

The CCAC has the goal of reviewing Hillsborough County Code for the location, construction, and regulation of WCSS. In considering the impact of WCSS adjacent to residential and other properties, it is our goal to insure the safety of citizens and private property, minimize impact on the aesthetics of the community and the surrounding area, to minimize negative impact on property values, and to promote standardization of restrictions and requirements among the appropriate zoned areas, while observing legal constraints that may be imposed by existing statutes or practices.

There are four main areas of the code relevant to neighborhood and property concerns. They include : setbacks, allowable height, aesthetics, and safety.

**Existing code provisions summarized below are taken from WadeTrim, Comparative Ordinance Review for Communication Facilities Regulations Updated Assistance, provided for CCAC by Wade Trim April 12, 2011*

Setbacks

***Existing Code:**

When adjacent to the rear or sideyard of residentially zoned property which is developed or developable for residential use the minimum setback from the property line abutting said residential must be one foot for every three feet of structure height. Zoned industrial and its adjacent to industrial, no additional setback. Adjacent to other type of property, the minimum setback from that property line must be 20% of the structure height.

Issues:

1. “Setback” distances should be increased.

Specific proposals:

- a. Setbacks should be increased.

b. Minimum setback should be one ft./ one ft. of tower height.

c. Setbacks should be increased to 700% of tower height (7 ft./ 1/ft. tower height).

2. “Setback” restrictions should also take into consideration the aesthetic/property value impact of “base station” or ground equipment, and also what equipment is placed on the tower.

Specific proposals:

3. Standardization of setbacks according to property uses/zoning.

Specific proposals:

a. Setbacks for school or other properties should not be different from those required for other residential property.

4. “Setback” restrictions should include distances from tower-to-tower, and do more to promote collocation of equipment on towers.

Specific proposals:

5. CCAC should recommend “setback” and/or other restrictions on placement of VRAD, WiMax, or other equipment not attached to WCSS not included in the above code.

Specific proposals:

Allowable Height

*Existing code: Maximum structure height is 200 ft.

Issues:

1. CCAC should look at WCSS code (6.11.29) and Radio/TV tower code (6.11.79) together, to make sure that changes to height code do not create incentives to request taller structures under Radio/TV code.

Specific proposals:

a. Put into (one or both?) code(s) that if someone is applying for a WCSS, that application must be processed under 6.11.29.

2. When approving WCSS in rural districts, County should look at long range planning for land use so as to not create undesirable/too tall towers in areas that someday will be residential properties.

Specific proposal:

a. Allowable height should be less than 200 ft. in areas that can be identified as targets of future residential growth (in “comprehensive plan”?).

3. Concern that administrative approval allows additional 25 ft. of height (w/o public hearing).

Note: Might this issue be deferred to approval/exception process?

Specific proposals:

4. Are tower heights restricted according to adjacency/proximity to neighborhoods or residential property (in a way that goes beyond setback restrictions)? Are tower heights allowed to be higher and proximity to residential or other property allowed to be closer if tower is camouflaged?

Specific proposals:

5. Does allowable tower height coordinate with desire to promote collocation? If we allow taller towers, but achieve fewer towers and more distance between towers is this a better philosophy?

Note: does implementation of a taller/fewer approach coordinate with criteria of safety, appropriateness to neighborhood/residential property/ aesthetics, etc.?

Specific proposals:

6. Allowable height regulations should be compatible with needs/regulations governing air space related to public and private airports.

Specific proposals:

Aesthetics:

The area of aesthetics comprises four separate areas of the code: Landscape, Camouflage/Stealth, Collocation, and Color.

Landscape/ buffering/screening

*The existing code requires landscaping: Group 4, 5, or 6 depending on zoning district in which the tower is located or to which it is adjacent.

(Aesthetics, cont.)

Issues:

1. Existing landscaping is not maintained and deteriorates.

Specific Proposals: We need a more stringent requirement for maintenance and upkeep of landscaping.

2. Existing landscaping is insufficient in amount (height?) and quality (density?) to adequately mask or enhance aesthetics of the 'base station.'

Specific Proposals:

3. Screening, achieved by fences, berms, and/or landscape plants should provide completeness of coverage sufficient to minimize aesthetic impact of base station and to enhance aesthetics of neighborhood/ residential property.

Note: issues of transparency vs. opaqueness are dealt with in 6.11.29.7

Specific Proposals:

- a. They should not be allowed to use chain-link fences.

- b. Requirements of screening by landscape, fences, or berms should not be different in school properties (in 6.11.29. D7).

4. CCAC should examine how the issues of landscaping/buffering/screening are addressed throughout the code for all kinds of uses (not just WCSS?).

Camouflage

1. CCAC should look at how “camouflage” is defined; only in some instances (bell tower, etc.) is the cell phone tower camouflaged, i.e., rendered invisible. (A monopole that is disguised as 160 ft. flag pole is not “camouflaged.”)

Specific proposals:

- a. Call it making WCSS “more aesthetically approachable”?
- b. Consider using the language “mitigated,” e.g., the visual/aesthetic impact is “mitigated”? If we go with “mitigated” we have to make that consistent with technical manuals that designate “camouflage.”

2. CCAC should look at standards of “camouflage” and enforcement of those standards.

Specific proposals:

- a. Must look at maintenance of camouflage designs. Addition of antennae ruins design.
- b. Camouflage design may impact practices of collocation.
- c. There should be more enforcement and regulation of camouflage designs after the poles are erected.

3. When and where should standards of camouflage be enforced? Do all WCSS have to be camouflaged?

Specific Proposal:

4. CCAC needs to review the “allowable structure” rules that allow wireless antennae to be constructed if they can be placed on a structure that is “allowable” under other criteria, eg., the 200 ft. flagpole on an YMCA allowed because we do not regulate the height of flagpoles.

Specific Proposal:

Collocation:

*Existing code encourages collocation.

Note: The issues discussed dealt with the approval process for the construction and location of new WCSS. These are related to the issue of “collocation,” as the code “encourages collocation;” however, these issues appear mainly concerned with implementation and enforcement of this provision.

Issues:

1. What is the definition of “need” (of new structures?) and who/what determines “need”?

Specific proposal:

- a. Make “percentage of use” a standard. Make a mandatory percentage of use of one tower before you allow a second tower.

2. Issues with regard to documenting usage/need for new towers? What does the code require for experience/expertise of those documenting need for new towers?

Specific proposal:

- a. All expert testimony on need, structural stability, RF, is by persons who meet the “limit of state law” as engineers (and are appropriately registered).

(Note: objections to being able to do this effectively were raised, and conversation moved to non-specificity of testimony among structural and RF engineers in making cases for need).

Color

*Existing code does not address color (6.11.26).

There were no specific issues raised about restricting color of WCSS; proposed that any issues of color be subsumed under “camouflage” provision.

(The following discussion of “Safety” issues took place at the May 25, 2011 Meeting of CCAC.

Safety

The area of safety comprises three areas: Structural Design, Abandoned Towers, and Security (of premises)

Structural Design

*The existing code specifies that the structural design of WCSS is “per (Florida) building code.” (NB: It has been represented to the CCAC that requirements for structural design cannot exceed those of the Florida Building Code).

**Questions and Issues about “structural design” may be pertinent to considering “Setbacks” above.

Issues:

1. Do Florida Building Code requirements for WCSS reflect the best current technologies for structural design and are they consistent with national standards?
2. Are the required standards for structural design able to withstand “wind events” that may occur within Hillsborough County?
3. What are “crumple zones”? Are WCSS designed to fall within a specified radius? Why do estimates of “crumple zones” appear to vary from testimony to testimony? Is it possible for WCSS to fall the full height of the tower? How does this vary for different kinds of tower design (for instance, monopole, guyed tower, etc.)?
4. How many companies construct WCSS for Hillsborough County? Do they all conform to the same safety requirements?

5. Is it advisable to have “hurricane shelters” within the fall radius of a WCSS? Are WCSS designed to withstand hurricane-force winds and can such winds cause WCSS to fail?

6. What structural issues occur by virtue of adding more antennae to existing WCSS? What provisions for safety exist in the code when antennae are added?

7. What codes exist for the safe construction of “base station” equipment such as batteries, propane tanks, fences, etc.? What is a reasonable “set back” from such equipment for residential, school, and other properties?

8. What codes/provisions are in place for the inspection, maintenance, and code enforcement for WCSS?

9. What codes/provisions are in place for the inspection, maintenance, and code enforcement for “base station” equipment?

Abandoned Towers

*Existing code specifies towers are considered abandoned when they have not been in use for 12 months (and is removal required?).

No issues were raised with reference to abandoned towers, their inspection or removal.

Security

*Existing code specifies that WCSS be surrounded by chain link fence or wall with barbed wire not less than 8 ft. in height. Locked gate is required.

Issues:

1. Chain link may not be adequate (from discussion of Aesthetics, above).
2. How are facilities monitored for security compliance (gates have been seen unlocked)?
3. What is a reasonable distance to separate these facilities from children?