



MEMORANDUM

FROM: David Gildersleeve, Senior Vice President, Wade Trim

TO: Cellular Communications Advisory Committee

THRU: Dr. David Payne, Facilitator
Dr. Navita Cummings James, Facilitator
Mr. Joe Moreda, AICP, Staff Liaison

SUBJECT: Communications Facilities Regulations – Comparative Review of Municipal Approval Processes

To assist the Advisory Committee in its deliberations and recommendations for future amendments to the County's Cellular Communications Ordinance, the attached document provides a comparative summary of the review and approval process utilized by numerous municipalities with particular attention to Hillsborough County's process. Planning and Growth Management staff have prepared summary tables included in the attachment identifying required zoning action and waivers and variances pertinent to Hillsborough County.

The approval processes vary considerably depending upon the particular municipality. In some cases, many approvals are accommodated administratively by staff. Most approvals are accommodated through a Special Use Permit or Conditional Use Permit. Some ordinances allow the applicant to utilize a formal Variance process, while others do not.

We look forward to discussing the comparative review at the Tuesday, May 4, 2011 Advisory Committee Meeting.

Attachment

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Hillsborough County, Florida
Approval Process
Section 6.11.29 Communications Facilities, Wireless

Hillsborough County's review and approval process allows applicants to seek permits/approvals through a normal permitting process without additional zoning review, as a special use, conditional use, and under certain scenarios a waiver and/or variance may be granted.

Permitted Uses

- WCSSs are evaluated as an accessory use on or attached to any structure without additional zoning review.
- Concealed wireless facilities within a legally permitted structure and not visible or discernable are exempt from requirements of Section 6.11.29.
- WCSS may 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.
- The Administrator can approve requests for collocation of a Wireless Communications Antenna on an existing and/or permitted facility.
- Under certain conditions, the Administrator can waive setbacks and may permit the height of a facility to exceed the maximum structure height by 25 feet to accommodate collocation.

Special Use or Conditional Use

- New WCSSs, including WCSSs to be located on school campus, are reviewed as Special Use per Section 10.02.00.
- All other WCSSs are reviewed under the Procedure for Issuance of Development Orders/Permits per Section 10.01.00.
- County Code provides a table (see previously provided ordinance summary) where camouflaged structure types are presumed compatible. If an alternative design to those identified in the referenced table is desired, the request is reviewed per Section 10.02.00 as a Special Use.
- Land Use Hearing Officer can waive or modify camouflage requirements if applicant demonstrates the structure would be more visually obtrusive than the proposed design.

Variance

The applicant may request a variance. The applicant must address six criteria identified in the Code including:

- Explain how the alleged hardships or practical difficulties are unique and singular to the subject property and are not those suffered in common with other property similarly located.
- Describe how the literal Land Development Code (LDC) requirements deprive you of rights commonly enjoyed by other properties in the same district and area under the terms of the LDC.
- Explain how the variance will not interfere with or injure the rights of others whose property would be affected by the allowance of the variance.
- Explain how the variance is in harmony with and serves the general interest and purpose of the LDC and Comprehensive Plan.
- Explain how the situation sought to be relieved by the variance does not result from an illegal act or result from the actions of the applicant, resulting in a self-imposed hardship.
- Explain how allowing the variance will result in substantial justice being done, considering both the intended public benefits to be secured by the LDC and the individual hardships that will be suffered by a failure to grant a variance.

The following tables summarize Hillsborough County's review process:

COMMUNICATIONS FACILITIES, WIRELESS (SEC. 6.11.29)

Proposed Location	Required Zoning Action
Antennas attached to any structure, including existing wireless communication towers	None
Facilities fully concealed within a legally permitted structure	None
Replacement of existing facility	Administrator Approval
Planned Development (PD) districts approved after Oct. 1, 2005	Major modification of PD

<p>RSC, RDC, and RMC districts</p> <p>Residential PD and IPD districts approved before Oct. 1, 2005</p> <p>Residential CPV, BMS, UAC and TND districts</p> <p>ASC-1 and AS-1 districts if proposed antenna tower is 100 to 200 feet in height</p> <p>All zoning districts if proposed antenna tower is 100 to 200 feet in height and located within 250 feet of AS-1, ASC-1, RSC, RMC, RDC or residential PD, IPD, CPV, BMS, UAC and TND districts</p>	<p>Special Use</p>
<p>School campus</p>	<p>Special Use</p>
<p>All other proposed facilities</p>	<p>Conditional Use</p>

WAIVERS AND VARIANCES

Administrator Review	
<p>Height</p>	<p>May be increased by Administrator by 25 feet to accommodate replacement of existing tower and/or collocation of additional antennas.</p>
<p>Setback</p>	<p>Additional setback required by increase in tower height for replacement/collocation may be waived by Administrator.</p>

Conditional Use	
Setbacks	May be reduced administratively by staff pursuant to criteria found in Section 6.11.29.D.2, but shall not be less than principal building setbacks required by property's zoning. If greater reduction is requested, a variance must be obtained in accordance with Part 11.04.00.
Camouflage	Special Use review required. LUHO must find that camouflage requirements are more "visually obtrusive" than proposed design.
All other requirements	Variance required in accordance with Part 11.04.00.

Special Use	
Setbacks	May be reduced by LUHO pursuant to criteria found in Section 6.11.29.D.2, but shall not be less than principal building setbacks required by property's zoning. If greater reduction is requested, a variance must be obtained. However, the variance is reviewed as an element of the Special Use hearing pursuant to the criteria found in Section 11.04.02.D.
Camouflage	LUHO must find that camouflage requirements are more "visually obtrusive" than proposed design.
All other requirements	May be waived by LUHO pursuant to the criteria found in Section 11.04.02.D.

RADIO/TELEVISION TRANSMITTING AND RECEIVING FACILITIES (SEC 6.11.79)

Proposed Location	Required Zoning Action
AM, A, AR, AS-0.4, AS-1, ASC-1, AI, OR, CN, CG, CI, M, SPI-UC-1, SPI-UC-2 and SPI-UC-3	Special Use
All other zoning districts	Prohibited

Waivers	
Camouflage	LUHO must find that camouflage requirements are more “visually obtrusive” than proposed design.
All other requirements	May be waived by LUHO pursuant to general criteria found in Section 11.04.02.D.

Orange County, Florida
Approval Process
Section 38.1427 Communication Towers

The allowable use of communication towers is as either as a permitted use or special exception in the several zoning districts (refer to table provided at the end of the Orange County ordinance summary dated April 12, 2011 previously distributed to the Advisory Committee). Any request to deviate from any of the requirements of Section 38.1427 requires approval from the County's Board of Zoning Adjustment (BZA). Moreover, the code includes submission requirements for special exception, variance, appeal of a zoning manager decision and building permit requests.

Permitted Uses

While communication towers are permitted uses in several zoning districts, they still require special exception approval. However, collocation of communication antennas by more than one carrier on existing or new towers takes precedent over the construction of new single-use towers and is permitted by right and new or additional special exception approval is not required. A decision of the Zoning Manager may be appealed to the Board of Zoning Adjustment.

Special Exception

With the exception of the permitted uses above, all communication tower applications are processed as Special Exceptions. Any Special Exception or appeal of the zoning manager decision requires public notice to all abutting property owners and all property owners of properties that are located within 500 feet of the perimeter of the parent parcel upon which the proposed tower is located. Further, authorized representatives of homeowners' and property owners' associations registered with or known to the county planning department within 1,500 feet of the perimeter of the parcel upon which the proposed tower is located is provided public notice on a courtesy basis.

Section 38.78 of the Orange County Code stipulates specific criteria to be met for all Special Exception requests. No application for a Special Exception can be approved unless the BZA finds that all of the following criteria are met:

- The use must be consistent with the Comprehensive Plan.
- The use must be similar and compatible with the surrounding area and must be consistent with the pattern of surrounding development.
- The use must not act as a detrimental intrusion into a surrounding area.
- The use must meet the performance standards of the district in which the use is permitted.

- The use must be similar in noise, vibration, dust, odor, glare, heat producing and other characteristics that are associated with the majority of uses currently permitted in the zoning district.
- Landscape buffer yards must be in accordance with section 24-5 of the Orange County Code and buffer yards types must track the district in which the use is permitted.

Variance

Section 30-43(3) of the Orange County Code stipulates specific standards for the approval of variances. No application will be approved unless the BZA finds that all of the following standards have been met:

- *Special Conditions and Circumstances* – Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same zoning district. Zoning violations or nonconformities on neighboring properties do not constitute grounds for approval of a proposed variance.
- *Not Self-Created* – The special conditions and circumstances do not result from the actions of the applicant. A self-created or self-imposed hardship cannot justify a variance; i.e. when the applicant himself by his own conduct creates the hardship which he alleges to exist, he is not entitled to relief.
- *No Special Privilege Conferred* – Approval of the variance requested will not confer on the applicant any special privilege that is denied by this Chapter to other lands, building, or structures in the same zoning district.
- *Deprivation of Rights* – Literal interpretation of the provisions of this Chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district and the terms of this Chapter and would work unnecessary and undue hardship on the applicant. Financial loss or business competition or purchase of property with intent to develop in violation of the restrictions of this Chapter does not constitute grounds for approval or objection.
- *Minimum Possible Variance* – The variance approval is the minimum variance that will make possible the reasonable use of the land, building or structure.
- *Purpose and Intent* – Approval of the variance will be in harmony with the purpose and intent of the Zoning Regulations and such variances will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Broward County, Florida
Approval Process
Section 39-102 Wireless Communication Facilities

Permitted

Please refer to the “Zoning: Permitted Facilities” section of the previously provided ordinance summary for Broward County.

Permitted (Administratively)

Antennas not located on wireless communication towers are permitted administratively as follows:

- Stealth roof top or building mounted antennas not exceeding 20 feet above roof line are permitted in all zoning districts.
- Non-stealth roof top or building mounted antennas may only be permitted not exceeding 15 feet above the roof line of the subject building.

Special Exception

Unless permitted as noted above, wireless communication facilities are approved as a Special Exception. The Hearing Officer may hear modifications to certain facility requirements where the conditions of this ordinance hinder transmission subject to the hearing procedures in Article V of the Broward Code regarding “Variances and Appeals” as follows:

A request for modification must include the following:

- A description of how the modification addresses any adverse impact which might occur as a result of approving the modification.
- A description of off-site or on-site factors which mitigate any adverse impacts which might occur as a result of the modification.
- A technical study documenting and supporting the criteria submitted by the applicant upon which the request for modification is based. The study must be certified by a radio frequency engineer and must document the existence of the facts related to the proposed modifications and its relationship to surrounding rights-of-way and properties.
- For a modification of the setback requirement, the application must identify all property where the proposed facility, tower or antenna could be located, attempts by the applicant to contact and negotiate an agreement for location or collocation, and the result of such attempts.

The Hearing Officer must consider the request for modification based on the following criteria:

- The facility, tower or antenna as modified will be compatible with and not adversely impact the character and integrity of surrounding properties.
- Off-site or on-site conditions exist which mitigate the adverse impacts, if any, created by the modification.
- In the case of a request for modification to setback requirements, the applicant must demonstrate with written evidence that the setback requirement cannot be met on the property and that the alternative site is closer in proximity to residentially zoned property or that a modification to the setback requirement will reduce the visual impact of the facility, tower, or antenna.
- In the case of a request for modification to separation or buffer requirements, the applicant must provide written technical evidence for a qualified radio frequency engineer that the proposed facility, tower or antenna must be located at the proposed site in order to meet the coverage requirements of the applicant's wireless communications system and the applicant is willing to provide approved landscaping and other buffers to screen the tower from being visible to residentially zoned property.
- In the case of a request for modification of maximum height for towers and telecommunications facilities, that the modification is necessary to facilitate collocation in order to avoid construction of a new tower, or meet the coverage requirements of the applicant's wireless system, which requirements must be documented with written, technical evidence from a qualified radio frequency engineer that demonstrates that the height of the proposed tower is the minimum height required to function satisfactorily. The Hearing Officer may include conditions on the site where the facility, tower, or antenna is to be located to mitigate any adverse impacts which arise in connection with the approval of the modification.
- Any decision by the Hearing Officer to deny a request for a special exception must be in writing and supported by substantial evidence contained in a written report.
- Any decision by the Hearing Officer granting a request for a special exception must be in writing in the form of a resolution, supported by substantial evidence contained in a written record.

Variations

When granting any variance from the terms of the Code, the Hearing Officer must determine whether the applicant has met the following criteria:

- That there are unique and special circumstances or conditions applying to the property or to the intended use of the property that do not apply generally to other properties in the same district.

- That any alleged hardship is not self-created by any person having an interest in the property or is the result of mere disregard for, or ignorance of, the provisions of the Code.
- That strict application of the provisions of the Code would deprive the petitioner of reasonable use of the property for which the variance is sought.
- That the variance proposed is the minimum variance which makes possible the reasonable use of the property.
- That the granting of the variance will be in harmony with the general intent and purpose of the Code and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.
- That there exist changed or changing conditions which make the approval of the variance appropriate.

The Hearing Officer also hears appeals of an administrative decision and is required to consider the following:

- Whether there exists an error or ambiguity which must be corrected;
- The general intent of the section of the Code which is the subject of the appeal;
- The impact of any finding on the surrounding community;
- The testimony and submittals of any appellants, their counsel, agents, representatives, or witnesses;
- The testimony and submittals of the zoning official, his or her counsel, representatives, or witnesses; and
- The testimony and submittals of the public relevant to the matter at hand.

Alachua County, Florida

Approval Process

Article 12, Section 404 Personal Wireless Service Facilities (PWSF)

Personal wireless service facilities are permitted or special use in all land use designations of the Future Land Use Map and pursuant to the policies of the Comprehensive Plan provided that PWSFs comply with the standards in this article and section. The PWSF regulations supersede conflicting requirements contained in the County's Unified Land Development Code regarding the siting and permitting of PWSFs. PWSF applications are processed according to the specific "Tier". Please refer to the Alachua ordinance summary previously provided for the distinction between Tiers.

Tier One

Tier One applications are subject to local building regulations and any existing permits, including special use permits, or agreements for the property or existing structure. Please refer to the previously provided Alachua County ordinance summary that provides the criteria for review. The review/approval process is handled through the Growth Management Department Director administratively.

Tier Two

Applications for new PWSFs that meet the following criteria are processed as Tier Two reviews:

- Collocations not meeting Tier One Criteria
- Concealed Towers
- Monopole Towers

Applications for new PWSFs that meet specific criteria are subject to Development Review Committee (DRC) development plan review/approval process handled through the Growth Management Department Director administratively. Applications must comply with specific development standards including setbacks and separation, security barriers, airport impacts, signs, landscape buffers, access, occupancy and other modification provisions. Please refer to the previously provided Alachua County ordinance summary for the review criteria for the specific development standards.

Tier Three (Special Use Permit)

Tier Three applications are reviewed as Special Use Permits and approved by the Board of County Commission subject to meeting specific developments standards noted under Tier Two and as previously provided in the Alachua County ordinance summary. Additional review criteria regarding location and design must be met by the applicant.

Variance

There are no variance provisions for PWSFs referenced in the Code.

St. Johns County, Florida
Approval Process
Section 6.08.12 Communication Antenna Towers

All new Antenna Towers in St. Johns County are subject to the zoning regulations and all other applicable Building and Construction Codes.

Permitted (Administratively)

No rezoning, Special Use or Variance is required to locate an antenna on an existing structure, provided however, that the antenna does not extend more than 20 feet above the existing structure.

Special Use

Communication Antenna Towers, unless reviewed and approved administratively as noted, are reviewed and approved as Special Uses. Review and approval is required by the Planning and Zoning Agency (PZA). The PZA may adopt conditions on any Special Use approval. The County has General Provisions on Special Uses and specific review processes and procedures for Special Uses. PZA approval can only be made upon a determination that the application and evidence presented establish that:

- The special use can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the Comprehensive Plan or Code;
- The use is compatible with the contiguous and surrounding area and will not impose an excessive burden or have a substantial negative impact on surrounding or adjacent uses or on community facilities or services; and
- If access is provided by a street maintained by FDOT a copy of the results of a pre-application meeting with FDOT is required unless otherwise deemed not necessary by the County Administrator; and
- The use, which is listed as a special use in the district in which it is proposed to be located, complies with all required regulations and standards of this Article II, unless greater or more stringent regulations are contained or provided in the Comprehensive Plan or elsewhere in this Code for the Special Use.

The Special Use must be compatible with the adjacent and surrounding land uses. Compatible means a condition in which land uses or conditions can co-exist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition.

In addition to the above criteria for measuring compatibility, the following requirements must be adhered to by the PZA in determining whether to grant or deny a requested special use:

- A special use cannot be approved where the special use or a related use or activity will be incompatible with adjoining or surrounding land uses.
- A special use cannot be approved if the special use or related use or activity will have a substantial detrimental impact on adjacent or surrounding land uses in respect to odors, noise, smoke, vibration, pollution, traffic generation, or other listed compatibility characteristics.
- Traffic generated and its access and flow to the proposed use cannot adversely affect the projected wear and tear on any public road designed to carry lighter traffic than projected for the proposed special use, or pose a potential danger to the safety of traffic, pedestrians, or bicyclists.
- A special use can only be approved in an area where adequate public facilities and services already exist.
- A special use cannot be approved where the special use or related use or activity will cause a nuisance.
- Other factors that must be considered in determining compatibility include: permitted uses, structures and activities allowed with the land use category; building location, dimension, height and floor area ratio; location and extent of parking, access drives, and service areas; traffic generation, hours of operation, noise levels, and outdoor lighting; alteration of light and air; setbacks and buffers – fences, walls landscaping, open space treatment and other buffers designed to harmonize and make the special use and any related uses compatible with surrounding land uses; and whether the special use will comply with concurrency requirements.
- The PZA may prescribe conditions to ensure proper compliance with the general spirit, purpose and intent of the code and Comprehensive Plan.

Antenna Towers require further compliance with the following requirements:

- No antenna tower other than an unguyed monopole tower or alternative tower structure can be located in any residential zoning district.
- Regardless of the zoning district in which the antenna tower is located, any antenna tower proposed to be located within 250 feet of the nearest lot line of any residential use, residential zoning district, residential portion of a Planned Development or Open Rural zoning district can be reviewed as a special use.
- The applicant must demonstrate there are no other suitable existing antenna towers or structures on which the applicant/provider can reasonably place its antennas.
- There are no significant adverse impacts to environmentally sensitive areas or areas judged to possess unique environmental or cultural qualities.

Antenna Towers must comply with the provisions of Section 3.04.00 regarding the Airport Overlay District.

Variance

A request to deviate from the Code, which might otherwise be approved by the County Administrator, must be approved by the Board of County Commissioners (BCC) if a variance is sought. Such variance must be considered in conjunction with the application for Development Review.

The BCC cannot vary the requirements of any provision of the Code unless it makes a positive finding, based on substantial evidence, on each of the following:

- There are practical difficulties in carrying out the strict letter of the regulation.
- The variance request is not based exclusively upon a desire to reduce the cost of developing the site.
- The proposed variance will not substantially increase congestion on surrounding public streets, the danger of fire, or other hazard to the public.
- The proposed variance will not substantially diminish property values in, nor alter the essential character of, the area surrounding the site.
- The effect of the proposed variance is in harmony with the general intent of the Code and the specific intent of the relevant subject area(s) of the Code.

In granting a variance the BCC may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to allow a positive finding to be made on any of the foregoing factors, or to minimize the injurious effect of the variance.

Sarasota County, Florida
Approval Process
Article II, Section 118-31 thru 48 Telecommunication Towers and Facilities

Permitted (Administratively)

Sarasota County has a full-time Telecommunications Tower Ordinance Administrator who serves as the point of contact for telecommunications information and new tower requests on public or private property. The Administrator provides non-binding code interpretations, coordinates and facilitates applications, and maintains records.

Application approvals depend upon the specific type of application being sought, for example Temporary Use Application for Temporary Wireless Telecommunication Facilities, building permit applications for antennas as permitted Accessory Uses, collocated antennas, and structure-mounted antennas where there is no new freestanding Telecommunications Tower; building permit application for ground-mounted and Alternative Tower Structures, site and development plan applications, and special exception applications.

Temporary Use Facilities Application – Reviewed by the Zoning Administrator, or his/her designee, who may approve, approve with conditions or stipulations, or deny the application. The decision of the Zoning Administrator may be appealed by an aggrieved party to the Board of County Commissioners, which must hold a public hearing, with due notice, before affirming or overturning the action of the Zoning Administrator.

Special Exception

The review/processing of Special Exception applications includes a staff review, Planning Commission public hearing with recommendation to the BOCC and BOCC public hearing.

The Special Exception applications are reviewed and must meet the following requirements:

- The proposed use must be consistent with the goals, objectives, policies, and guiding principles of the adopted Comprehensive Plan.
- The proposed use must be compatible with the existing land use pattern and designated future land use.
- There must be adequate public facilities consistent with the level of service standards adopted in the Comprehensive Plan
- The proposed use singularly or in combination with other special exceptions, must not be detrimental to the health, safety, morals, order, comfort, convenience, or appearance of the neighborhood or other adjacent uses by reason of one or more of the following: the number, area, location, height, orientation, intensity, or relation to the neighborhood or other adjacent uses.

- The proposed use must be adequately buffered to effectively separate traffic, visual impact and noise from existing or intended nearby uses.
- The subject parcel must be adequate in shape and size to accommodate the proposed use.
- The ingress and egress to the parcel and internal circulation must not adversely affect traffic flow, safety or control.
- The subject parcel is adequate to accommodate the height and mass of any proposed structure.

The Planning Commission may recommend appropriate restrictions, stipulations, conditions and safeguards in conformity with the zoning regulations. Likewise, the BOCC may recommend appropriate restrictions, stipulations, conditions and safeguards in conformity with the zoning regulations.

Variances

Applications for variances from the provisions of the zoning code are heard by the Board of Zoning Appeals followed by a review of the application by County staff and in a public hearing. The Board of Zoning Appeals may reverse (wholly or partly), affirm (wholly or partly) or modify the Zoning Administrator's decision, determination, or requirement relating to the code.

To authorize a variance from the terms of the Zoning Regulations, the Board of Zoning Appeals must determine that the action will not be contrary to the public interest where, owing to special conditions peculiar to the property and not as a result of the actions of the applicant, a literal enforcement of the provisions of the zoning regulations would result in unnecessary and undue hardship on the land. The Board of Zoning Appeals is authorized to grant variances to the zoning regulations for: height, parking requirements, area or size of structures, size of yards, sign and open space.

A variance may be granted only when all of the following criteria and provisions of Section 3.10 Variance" have been met:

- The variance shall not be contrary to the public interest;
- The variance is required owing to special conditions peculiar to the property; and
- The special conditions are not the result of the actions of the applicant;
- A literal enforcement of the provisions of the zoning regulations would result in unnecessary and undue hardship on the land; and
- The variance requested must be the minimum variance necessary to make any reasonable use of the property.

Manatee County, Florida

Approval Process

Chapter 7, Section 704.59 Personal Wireless Service Facilities (PWSF)

The Manatee County review and approval process expedites the review process for those applications choosing the least intrusive alternative of deploying PWSFs. PWSFs are approved by type of permit. Please refer to the table included in the previously provided ordinance summary entitled "Matrix of Siting and Locational Preference (Section 704.59) that identifies the type of approval process unique to each tower type and zoning district.

Applications are approved as:

- AP (Administrative Permit) or (P) Permitted by the Planning Director
- SP (Special Permit)
- AP/SP (Administrative Permit required as specified in Section 704.59.2.D or elsewhere in the Code)
- AP*/SP (General Agriculture (A) and Suburban Agricultural (A-1) parcels smaller than 40 acres must obtain approval by a Special Permit)
- SP-1 (Approval is limited to institutional, recreational, schools, and utility uses, all which have a lot area of 8 acres or more)
- P*/FSP (With limitations, as specified in Section 704, Conditional Use Criteria, or elsewhere in the Code)
- NOTE: All Telecommunication Towers are required to comply with Section 704, Conditional Use Criteria. Uses may be further restricted or modified by the overlay district criteria in Section 604.

PWSF applications must also comply with the following sections of the code:

- Section 725 – Tall Structures and Object Height Limitations
- Section 737 – Entryways
- Section 702.5.2. – General Height Exclusions
- Section 703 – Accessory Use

Permitted (Administratively)

The Planning Director is authorized to issue Administrative Permits (APs) for PWSFs under certain circumstances (e.g. height, separation from arterial roadways). Please refer to the table included in the previously provided ordinance summary which identifies where the Director may approve permits. The Planning Director is authorized to allow a monopole telecommunications tower with 3 or more providers that normally require approval of a Special Permit in the PR, NC or GC zoning districts to obtain approval by Administrative Permit upon a finding of minimal visual and aesthetic impacts on surrounding properties.

Special Permit (Conditional Use Criteria – Section 704)

Special permits require compliance with the Conditional Use Criteria outlined in Section 704 Personal Wireless Communication Facilities which was provided in the previously distributed

ordinance summary. A Hearing Officer may approve, approve with conditions or deny and application.

Variance

No variance provision referenced in Section 704.

Pinellas County, Florida
Approval Process
Section 138.1347 – Communication Towers and Antennas

Permitted

Communication tower may be erected in any commercial or industrial district as a permitted use subject to the height limitations specified in Section 138.1277. Camouflaged towers may be erected in any zone subject to a height limitation of 75 feet. In both situations, compliance with the standards of the applicable zoning district is required. Collocations are encouraged and can generally be accommodated with a walk through site plan approval by staff.

Special Exception

Proposals to erect towers in another manner (except those specifically exempted from the Code) may be permitted by the Board of Adjustment as a Special Exception pursuant to Article II Division 7. The Board of Adjustment as part of its review and approval process must ensure that:

- All structures must be adequately separated from adjacent and nearby uses by screening devices and/or open space.
- Excessive vehicular traffic is not generated on residential streets.
- A vehicular parking or traffic problem is not created.
- Appropriate drives, walks, and buffers are installed.
- The proposed use will be in keeping with the purpose and intent of the Code and not adversely affect properties in the vicinity of the excepted use.
- The setback requirements of the district in which the use is to be located must be complied with, unless varied by the Board of Adjustment at the hearing.
- The parcel must contain an area so as to provide sufficient off-street parking

Additional Safeguards; Variances

In approving a special exception, the Board of Adjustment may also establish and require additional safeguards to ensure proper operation of the use and provide protection to the surrounding area. Such safeguards may include, but are not limited to: a time limit for acquiring development authorization and/or development completion; hours of operation; entry and exit points to and from the site; fencing and screening; additional setbacks; and capacity of the use.

Wake County, North Carolina
Approval Process
Article 4-56 – Communications Facilities

The approval process for Wake County communications facilities is determined by proposed tower height and whether the application is for collocation.

Permitted (Administratively)

Collocation applications and applications for towers up to 250 feet are reviewed and approved by staff administratively. The Planning Director may reduce the minimum distance set forth in the code on a finding that a lesser distance will not be injurious to properties or improvements in the affected area, but in no case may the minimum distance be reduced to less than that equal to 50% of the tower's height, nor less than the minimum required setback depth applicable in the zoning district in which the tower is located.

Special Use Permit

Applications for towers greater than 250 feet are approved by the Board of Adjustment (BOA). The BOA is authorized to reduce the minimum setback distance required if a qualified structural engineer licensed by the State of North Carolina certifies in writing that any collapse of the pole will occur within a lesser distance under all foreseeable circumstances.

Variances

The BOA may grant a variance where:

- Application of the regulation to a particular property would result in unnecessary hardship,
- Granting a variance from the regulation would be in harmony with the general purpose and intent of the Zoning Ordinance and preserves its spirit, and
- Granting the variance would assure the public safety and welfare and product substantial justice.

City of Orlando, Florida
Approval Process
Section 58-840 – Communication Towers

Permitted (Administratively)

Collocation – The modification or reconstruction of an existing communication tower to accommodate the collocation of 2 or more communication antennas may be permitted without new or additional Conditional Use permit approvals, provided that the communication antennas are owned or operated by more than one communication service provider and the collocation is accomplished pursuant to specific requirements identified in Section 58-846 of the Code.

Conditional Use Permit

Applications for a Conditional Use Permit are processed through legislative review by the Municipal Planning Board and the City Council.

When the City Council approves any Conditional Use Permit, they may prescribe appropriate conditions and safeguards in conformity with the intent and provisions of Section 58-840 and Sections 65-284 – 285 governing conditional uses. The following conditions apply (where applicable to communication towers):

- Limit the manner in which the use is conducted, including restricting the time an activity may take place and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor.
- Establish a special yard or other open space or lot area or dimension.
- Limit the height, size or location of a building or other structure.
- Designate the size, number, location or nature of vehicle or pedestrian access points.
- Increase the amount of street dedication, roadway width, or improvements required within the street right-of-way.
- Designate the size, location, screening, drainage, surfacing or other improvements of a parking or truck loading area.
- Limit or otherwise designate the number, size, location, height or lighting of signs.
- Limit the location and intensity of outdoor lighting or require its shielding.
- Require berming, screening, landscaping or other facility to protect adjacent or nearby property and designate standards for installation or maintenance of the facility.
- Designate the size, height, location or materials for a fence or wall.
- Protect existing trees, vegetation, water resources, wildlife habitat or other significant natural resources.
- Consider the size, style, history and appearance of a structure.

- Specify other conditions to permit development of the City in conformity with the intent and purpose of the Code and adopted Growth Management Plan.

Standards of Review for conditional Use Permit Applications

In their respective reviews, the Municipal Planning Board and City Council must consider the following factors:

- The purpose and intent of all other requirements of the Land Development Code.
- Where the proposal is consistent with all applicable policies of the City's adopted Growth Management Plan.
- The compatibility of the proposal with surrounding land uses and the general character of the area including such factors as height, bulk, scale, intensity, traffic, noise, drainage, dust, lighting and appearance.
- Whether necessary public facilities such as transportation, sanitation, water, sewer, drainage, emergency services, education, and recreation, will be adequate to serve the proposed use.
- The extent to which the proposed use, location, and building site design would displace existing residential uses on the site or would encourage displacement of residential uses adjacent to the site. They must also consider alternative uses, location, and site designs that could minimize residential displacement.
- Any other lawful matter that the Municipal Planning Board deems appropriate relevant to the specific proposal.

Waivers

- A waiver from the minimum separation distance to off-site uses may be approved (1) by City Council, upon recommendation from the Planning Director, when the proposed communication tower is a permitted use, or (2) through the Conditional Use Permit process, in accordance with the procedure set forth in Chapter 65, Part 2D of the Code, when the proposed tower is a Conditional Use, provided that a notarized written consent is obtained from those affected property owners within the applicable separation distance.
- A waiver from the minimum separation distance between towers set forth in Section 58.844(b) may be approved by the City Council, upon recommendation of the Planning Director, when the proposed tower is a permitted use, or through a Conditional Use Permit process, in accordance with the code, provided two or more communication service providers agree to collocate antennas on the same tower.
- A waiver from the minimum separation distances set forth in the code may be approved through the Conditional Use Permit process in accordance with the procedures set forth in Chapter 65, Part 2D of the Code when the proposed tower conforms to two or more of the following criteria:
 - Camouflaging techniques approved by the City are incorporated into the tower design.

Two or more providers agree to collocate antennas on the same tower. The tower or towers within the required separation distance are all located in an industrial zoning district.

The proposed location will minimize the visual impact of the proposed tower because of the bulk, height, use, or appearance of the adjacent structures and surrounding area will either screen the tower from view or provide a location where the proposed communication tower will be visually unobtrusive and unobjectionable.

Notarized written consent is obtained from those affected property owners within the required separation distance from off-site uses.

Zoning Variances Prohibited in Connection with Conditional Use

Zoning variances are prohibited for development approved as a conditional use within the area subject to the conditional use permit, except for zoning variances to allow the expansion of a legally existing but nonconforming building, structure, or vehicular use area.

City of Jacksonville, Florida

Approval Process

Section 656.1503 – Wireless Communications Facility Ordinance

Applications for wireless communications facilities are processed and approved based on whether the application is for a Tract I Tower, Tract Two Tower or Tract II Tower. Please refer to the previously provided ordinance summary for a description of the tower types.

Tract I Towers

If the application meets the location and design requirements to be Tract I towers it is assigned for processing on a “Tract I” expedited schedule. Upon a determination by the Coordinator that the application is complete, the Coordinator issues an order approving or denying the application. The District Council Member, the At-large Council Member may appeal the determination within 14 days pursuant to a process specified in the Code.

Tract II Towers

Applications to construct a camouflaged tower not satisfying the criteria set forth in Section 687-1505 (see previously provided ordinance summary), or low impact/stealth tower are assigned for processing on a “Tract II” schedule. When the application is deemed complete by the Coordinator, it is scheduled for the next regular Commission meeting. The Commission must approve, deny or conditionally approve the application where it finds that the proposed tower (1) complies with the tower siting and design requirements and performance standards of the Code; and (2) is compatible with the existing contiguous uses or zoning and compatible with the general character and aesthetics of the surrounding neighborhood or area, considering (a) the design and height of the tower; and (b) the potential adverse impact upon any environmentally sensitive lands, historic districts or historic landmarks, public parks or transportation view corridors.

Tract III Towers (Conventional wireless towers)

Applications to construct a conventional wireless tower are assigned for processing on a “Tract III” schedule. Within 30 days of the Coordinator confirming a complete application the application is assigned a legislative bill number and scheduled for a public hearing before the Tower Review Committee. The Committee must recommend approval, denial, or conditional approval of the application based upon its compliance with the review criteria and the siting and design standards and performance standards for all wireless communications towers set forth in the Code. A public hearing must be held by the Council to consider all conventional wireless tower applications.

Specific review criteria are outlined in the code which Council must consider in reaching its decision including:

- The proposed tower must be consistent with the Comprehensive Plan.
- The proposed tower must comply with both the siting and design standards for conventional wireless towers and the performance standards for all wireless communication towers.
- The proposed tower must be sufficiently accessible to permit entry onto the property by fire, police, rescue and other services.
- The height of the proposed tower must be deemed necessary to provide the wireless provider's designed service.
- The absence of any existing or proposed towers, buildings or other structures that could provide technologically and structurally suitable space for collocation on commercially reasonable terms;
- The proposed tower must be compatible with the existing contiguous uses or zoning and compatible with the general character and aesthetics of the surrounding neighborhood or area considering: the design height of the tower, the potential adverse impact upon any environmentally sensitive lands, historic districts or historic landmarks, public parks or transportation view corridors; and the mitigating effect of any existing or proposed landscaping, fencing or other structures in the area, as well as the proximity of the communications tower to existing or proposed buildings and structures.

Tower Review Committee (TRC) – Waivers/Variations

A Tower Review Committee is established through the City's Wireless Communications Facility Ordinance. Action by the TRC is deemed final action by the City of Jacksonville with regard to the following waivers:

- Waiver from the minimum setback and separation requirements
- Waiver from the landscape requirements
- Variance from the maximum height requirements for low impact/stealth towers
- Variance from the maximum height and projection requirements for side-mount and rooftop antennas
- Variance from the other maximum height requirements of this Subpart A

A declaration that a proposed tower or antenna qualifies as either a camouflaged or low impact/stealth tower or antenna may only be obtained from the TRC.

St. Petersburg, FL
Approval Process
Section 16.50.480.1 – Wireless Communication Facilities

Applications for Wireless Communication Facilities are approved by right administratively, by Special Exception (reviewed by the Development Review Commission) or by Special Exception reviewed by the Party Officially Designated (POD).

Permitted (Administratively)

To encourage collocation and minimize the number of Wireless Communication Support Facilities (WCSFs), St. Petersburg allows Wireless Communication Antennas (WCAs) as permitted accessory uses when placed on or attached to any structure. The review and approval is provided by staff administratively as part of the building permit process.

WCAs in any zoning district are reviewed by the Party Officially Designated (POD) who can approve such requests that meet Code requirements without notice or hearing.

Special Exception

Please refer to the “Use Matrix for WCSFs previously provided ordinance summary which identifies the locations in which “Special Exception reviewed by the Development Review Commission”, “Special Exception reviewed by the POD” and where Permitted by right”.

Variations and Appeals

Regarding variations and/or appeals, the following applies:

- Requests for variations are reviewed by the Development Review Committee
- Requests for additional height for any permitted or previously approved WCSF in the zoning districts listed in the referenced “Use Matrix for WCSFs, Column C may be granted by the POD to provide for collocation of additional WCAs provided the additional height does not exceed 30 feet. Action by the POD does not require additional notice above that required for the WCSF being constructed.
- Decisions of the POD may be appealed to the Development Review Commission.

City of Albany, Georgia
Approval Process
Ordinance 11-101 – Wireless Communications Ordinances

Permitted (Administratively)

The following telecommunication facilities and support structures may be permitted by Administrative approval by the Director of the Department of Planning and Development Services after Administrative Review (i.e. non-discretionary evaluation of an application by the Director which is not subject to a public hearing):

- Facilities that do not constitute more than a 20 foot increase are permitted in all zoning districts when located on any non-residential Existing Structure.
- Minor modifications that result in some material change but of a level, quality or intensity that is less than a Substantial Increase (i.e. less than 20 feet).
- New Support Structures up to 150 feet in the C-3 district.
- New Support Structures up to 199 feet in the M-1, M-2 and AG districts.
- Stealth facilities less than 60 feet in the C-R district
- Stealth facilities less than 150 feet in the C-2 and C-8 districts.

The Director may choose to not require landscaping for sites that are not visible from the public right-of-way or adjacent property or in instances where in the judgment of the Director, landscaping is not appropriate or necessary. The Director may also waive the requirement for a six foot fence if it is deemed that a fence is not appropriate or needed.

An appeal of any decision of the Director is made to the Planning Commission within 30 days of the decision.

Variances

The Planning Commission has the authority to grant a variance to reduce the required setbacks. The applicant must show a satisfactory need for the setback and must submit technical information or other justification as is necessary to document the need for the setback variance to the satisfaction of the Planning Commission.

The Planning Commission has the authority to grant a variance to the height restrictions. The applicant must show a satisfactory need for a greater height and must submit technical information or other justification as is necessary to document the need for the additional height to the satisfaction of the Planning Commission.

City of Tampa, Florida
Approval Process
Section 27-134.1 – Commercial Communication Towers Regulations

The City of Tampa has several code provisions regarding the review and approval process depending upon the type of tower and the zoning district in which the tower is proposed. Towers are approved administratively by staff if the application meets all the criteria of the Code. Other applications are approved by City Council. The City's Development Review Committee reviews all applications whether approved administratively, by Special Use Permit approvals by City Council.

Table 6-1 "Commercial Communications Towers Locational Requirements", previously provided to Committee Members with the ordinance summary, identifies the tower types, applicable zoning districts and height, setback, and separation standards that must be met by the applicant. There are several specific provisions regarding review and approval as noted below:

- Towers seeking to locate in Commercial General (CG) and Office Professional (OP) are considered a Special Use 2 (S-2) subject to compliance with all Sections of Article XI, Special Use Permits.
- Towers seeking to locate in National Historic Districts must be considered through the Special Use S(2) public hearing before City Council. The applicant may petition through the Special Use, S(2) process to reduce setback and separation requirements or increase maximum tower height listed in listed in Table 6-1 previously referenced.

Section 27-134.1(e) Commercial communication towers site review process specifies requirements regarding submission of applications, review procedure, pre-application conference, submission requirements, etc. (Please refer to ordinance summary previously provided to Committee Members).

Location Overlay Sites

The City has designated specific Overlay Sites to allow for greater flexibility for the location of communication towers, provide for areas which are pre-approved allowing for greater ability to pre-plan multiple sites, and maximize the use of sites which have been underutilized and to reduce the number of commercial communication tower sites which are visually obtrusive. Designated public and private facilities and structures may be considered for location or towers without regard to the underlying zoning district prohibitions if certain conditions, called out in the Code can be met (i.e. Chapter 27-134.1(c). If a site is located within a local historic district, a Certificate of Appropriateness (C/A) is required and the Architectural Review Committee (ARC) or the Barrio Latino Commission may require the tower to be camouflaged.

Areas that fall under the “Location Overlay Sites” provision include:

- Utility easements – Towers (monopole) are permitted by right in all utility easements of 100 feet in width or greater when they maintain a distance separation equal to or greater than 110% of the tower height from a residentially zoned or used property.
- Towers are permitted by right in the right-of-way of the Veterans Expressway, the Leroy Selmon Expressway, Interstate 4 and Interstate 275 when being installed as a lightpole changeout provided there is not a reduction in the distance separation to a residentially zoned or used property.
- Monopoles of 140 feet or less are permitted by right in designated City parklands and recreation when they meet specific distance separation defined in the Code.
- Monopoles of 140 feet or less may be erected within designated utility transfer or electrical substations which have a minimum lot size of 10,000 square feet.
- Monopoles of 140 feet or less may be permitted by right on designated Hillsborough County School Board sites when they maintain specific distance separation requirements defined in the Code.
- Monopoles of 140 feet or less may be permitted by right on designated City owned sites when they meet specific distance separation requirements defined in the Code.

The Zoning Administrator maintains a map depicting the referenced sites above which is approved and adopted by Resolution of City Council.

Variances

The City’s normal variance process does not apply to commercial communication towers. Any deviation from the development standards are addressed during staff, DRC, and City Council review.

City of Temple Terrace, Florida

Approval Process

Section 25.750.6 – Radio, TV Antenna, Satellite Dishes, Communication Towers

Communication Towers are reviewed and approved as follows:

- Pursuant to Section 25.630, General Site Development Plans, site plan review by staff and Planning Commission. Site Plan review and approval by City Council may be required.
- Compliance with the general criteria listed for approval of Conditional Uses Contained in Section 25.535, Conditional Uses
- Compliance with the provisions of Section 25.750.6, Radio, TV Antennae, Satellite Dishes, and Communication Towers (please see ordinance summary previously provided for specific requirements).

Conditional Use

The Conditional Use review and approval standards and criteria include:

- Proposed tower must be consistent with the Comprehensive Plan
- The establishment, maintenance, or operation of the use cannot be detrimental to or endanger the public health, safety, or general welfare.
- The use cannot impede the normal and orderly development and improvement of surrounding properties for uses permitted in the district, and must be consistent with the character of the immediate neighborhood.
- Adequate measures must be taken for ingress, egress and parking in a manner consistent with traffic operations and safety.
- The use cannot have a substantial adverse effect on any known archaeological, historical, or cultural resources located on or off the site.
- The design must minimize adverse effects of the use on adjacent property, including visual impacts.
- Adequate provisions must be made for buffers, landscaping, public open space and other improvements necessitated by the use.
- The use must meet the lot and building requirements of the district in which it is located unless a variance is granted by the Temple Terrace City Council or Board of Adjustment. A special use must meet all requirements established for a special use and no variance will be granted from those requirements. No variance will be granted from special conditions established during the conditional use approval process.
- The use must comply at all times with the approved site plan, and any conditions imposed for establishment and operation of the use.

Variance

Not addressed vis-à-vis Communication Towers.

City of Plant City
Approval Process
Chapter 102.491 (26) – Cellular Tower Systems

Cellular Towers are a permitted use in several zoning districts subject to site plan approval and consistent with the specific requirements of the district in which the tower is proposed. Please refer to the previously provided ordinance overview for zoning and development standards that must be complied with by the applicant.

City Council approval is required for all Cellular Tower Systems.

Variance

The Board of Adjustment reviews and approves variances to the zoning code and special provisions related to Cellular Tower Systems.