

JANUARY 29, 1998

The Board of County Commissioners, Manatee County, Florida, met in SPECIAL SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Thursday, January 29, 1998, at 9:06 a.m.

Present were Commissioners:

Patricia M. Glass, Chairman  
Gwendolyn Y. Brown, First Vice-Chairman (entered during meeting)  
Joe McClash, Second Vice-Chairman  
Jonathan Bruce, Third Vice-Chairman  
Stan Stephens  
Lari Ann Harris  
Amy Stein (entered during meeting)

Also present were:

Paul Bangel, Assistant County Attorney  
Susan G. Romine, Board Records Supervisor,  
representing R. B. Shore, Clerk of Circuit Court

ORDINANCE 98-01: LAND DEVELOPMENT CODE AMENDMENT (TELECOMMUNICATIONS TOWERS)

Public hearing (Notice in the Bradenton Herald 1/23/98) was held to consider

ORDINANCE 98-01 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING CERTAIN PROVISIONS OF THE MANATEE COUNTY LAND DEVELOPMENT CODE (ORDINANCE 90-01, AS AMENDED), AMENDING REGULATIONS RELATING TO TELECOMMUNICATIONS USES AND STRUCTURES, INCLUDING REGULATIONS RELATING TO MAXIMUM BUILDING HEIGHTS, SATELLITE DISH ANTENNA, ADMINISTRATIVE AND CONDITIONAL USES, TALL STRUCTURE AND OBJECT HEIGHT LIMITATIONS, AND ENTRANCEWAYS, REPEALING ORDINANCE 97-68, PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Paul Bangel, Assistant County Attorney, announced this is a public hearing that the Board has elected to hold during the day rather than evening pursuant to R-95-266.

Carol Clarke, Planning Director, stated staff was recommending continuance of the hearing until February 5, 1998, at 2:00 p.m., in order to incorporate further changes.

Jon Prettyman, Planning Department, reviewed the latest draft ordinance and those changes that have been incorporated since the last public hearing (1/13/98). He also requested that the spelling of "commercial" be corrected and that paragraphs 1 and 2 under 704.59.3.2 be deleted.

(Enter Mrs. Stein)

Erika Barrett, Planning Department, stated those sections of the ordinance dealing with separation need additional review. She reviewed separation from off-site uses, on-site uses, between telecommunications towers and from arterial roadways.

She displayed a graphic, prepared by the telecommunications industry, depicting separations required by the ordinance and showing a tower in the middle of a parcel. She noted the graphic addresses the requirement that a tower be set back 200 feet or 200 percent of the height of the tower, whichever is greater, from the lot line of the parent parcel, if adjacent to residential property.

(Enter Ms. Brown)

Ms. Barrett displayed a map depicting districts including existing towers and separations; nonconforming towers, separation from arterial roadways and interstates; etc.

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(Continued)

Discussion: Incorporating a clear description of nonconforming uses; ability to cluster; term of bonds; allowing parent tract owner to decide where to place tower; allowing towers along side of buildings; limitations on mobile towers; water towers; permitted exemptions; etc.

**Rex Jensen**, representing SMR Ranch, emphasized the need for radio communications and stated there is a possibility of using two 100-foot towers instead of one 200-foot tower; bonding requirements are unnecessary; and there is need for clustering flexibility, especially in rural areas.

**Wayne Rilko**, Quality Aggregates, suggested allowing antennas be 200 feet or restricted to a minimum parcel size. He also expressed concern that the 5,000-foot separation between towers in the agricultural zoned area may be too excessive.

**Russell Thomas**, representing Sprint, submitted a handout entitled "Summary of Major Concerns." He stated a number of issues render the ordinance unlawful as outlined in his memorandum (submitted 1/13/98). He disputed a statement made by the county consultant that the number of towers will increase from 60 to 300. He reported that the separation requirements in Section 3.3 of the ordinance make it difficult to operate in Manatee County.

**Brian Milder**, Aerial Communications, displayed a graphic similar to that presented by Ms. Barrett but with changes to make the dimensions more appropriate. He stated it would be unlikely that a property owner would lease land in the center of his property. He referenced the map shown earlier by Ms. Barrett, pointing out those areas where they cannot site towers because of the separation requirements and recommended that those requirements be relaxed.

Mr. Thomas recommended a process to petition the Board to reduce separation distances. He suggested that promoting the goal of co-location could be accomplished by inserting a statement that every new tower shall have sufficient property to accommodate co-location.

**John Ariale**, representing OPM-USA, Inc., referencing the "Summary of Major Concerns," Section 704.59.3, recommended "notarized affidavit" be replaced with "statement of need," the word "compelling" not be used, and that "provider's documented search ring" replace "one mile of the proposed tower." Regarding co-location, he requested they be allowed to move within a 50-foot radius around existing structures without the additional burden of not getting any closer to residential.

**Mark Fore**, representing AT&T Wireless Services, addressed the 40-foot height increase and the ability to replace an existing tower within a 50-foot distance. He suggested that towers be permitted on lift stations and electrical substations.

**Mike Brooks**, representing Bell South, addressed the financial guarantee issue concluding that it is an unnecessary provision. He pointed out there is no other use under the ordinance that requires posting of such a bond; the fear of abandoned towers is unfounded; and that Code Enforcement laws protect the County.

Discussion: Separation requirements; exempt areas; antennas on high tension transmission line towers; bonding covered in Land Development Code; separation between towers does not apply to camouflage towers; simplify chart regarding separation; logic for 550-foot setback from waters; whether such stringent restrictions may give one of the providers a competitive edge over others; if resulting costs will affect consumer; one-mile restriction for search ring; etc.

Paul Bangel, Assistant County Attorney, stated the Telecommunications Act of 1996 states regulations shall not unreasonably discriminate among providers of functionally equivalent services, but advised he will research that matter further.

Discussion continued during which it was requested that an annual report be provided at the end of year as to number of towers, co-locations, industry trends; etc.

Jane Gerdeman, Telecom Planners, Inc., reported that this issue does not just apply to the industry represented at this hearing but also to private mobile carriers, fire protection agencies, public safety towers, cable companies, radio stations, et al. She stated the issue is not the number of towers but land usage and aesthetic concerns, as well as meeting requirements of the Telecommunications Act without discrimination.

(Depart Mrs. Harris)

Those items for which options need to be provided were summarized: A structure over 35 feet in height needs to be set back equivalent to its height from adjacent use; separation from residential and other uses should provide that towers are not up against the property; fall down radius can be smaller than the height of the tower; regulations regarding towers in residential use as to separation from the building; options regarding on-site uses; clearer designations of areas/types of construction as to separation between towers and if 5,000 feet requirement is excessive; include agriculture in extraction districts to allow for 200-foot towers; separation from Interstates; include safeguards in event of evacuation as to arterial roadways; aesthetic protection for waterfront views; granting reductions in separation requirements and whether it should be Board decision; method for removing abandoned towers in event such occurs; include discretionary power to consider smaller square lots in minimum lot size section; clarification that accessory antennas are excluded from administrative permit requirements; address side mounting of rooftop mounted antennas and camouflaged antennas; address water locations for towers; etc.

Motion was made by Mr. McClash, seconded by Mr. Stephens and carried 6 to 0, to continue to February 5, 1998, at 2:00 p.m.

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest:

APPROVED:

  
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Clerk

  
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Chairman 3/17/98

Adj: 11:28 a.m.  
/eml