

FEBRUARY 5, 1998

The Board of County Commissioners, Manatee County, Florida, met in SPECIAL SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Thursday, February 5, 1998, at 2:04 p.m.

Present were Commissioners:

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

Absent was: Joe McClash, Second Vice-Chairman (prior commitment)

Also present was:

Paul Bangel, Assistant County Attorney  
 Robin Liberty, Deputy Clerk,  
 representing R. B. Shore, Clerk of Circuit Court

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

Public hearing (continued from January 29, 1998) was opened 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.

Carol Clarke, Planning Director, reviewed staff options and recommendations to the draft ordinance addressing issues that arose from the previous public hearing. RECORD S46-264

Section 704.59.3.14 - Financial Guarantee

Discussion: Letter of agreement would bind property owner and facility owner/operator; consent should be recorded in public records; would give Code Enforcement authority to remove towers and record liens.

(Enter Mrs. Harris and Ms. Brown)

Section 704.59.3.8.5 - Building Mounted Antennas

Discussion: Eliminates the prohibition of antennas and platforms beyond building exterior walls; prohibits over pedestrian ways.

(Enter Mrs. Stein)

Section 704.59.3.1

Search Ring - Ms. Clarke reviewed the concern of industry representatives and outlined staff's recommended language.

Waterfront Vista Protection Area - Staff recommended eliminating Lake Manatee and the Evers Reservoir from the Scenic Water Protection Area.

Section 703.2.1.1.4 - Private Mobile Service

Ms. Clarke stated the option would allow towers and antennas of 200 feet in height to locate in A zoning districts on a minimum of 40 acres.

**Figure 6-1, Permitted, Administrative and Special Permit Uses**

Ms. Clarke proposed lowering the residential (institutional, schools, etc.) acreage requirement for new towers to **eight** acres and to allow tower location on electrical substations on less than **eight** acres. She presented a photograph of one such facility, and advised that staff does not recommend utilizing sewer lift stations.

Discussion: Lift stations on sites over eight acres; examine after ordinance is adopted; clarifying footnote on chart regarding acreage size and permit process.

**Section 704.59.3.9.5 - Support Facilities Height**

Ms. Clarke recommended increasing the height of support facilities (cabinets) to 20 feet.

**Section 704.59.3.2 - Relocating Existing Towers**

Ms. Clarke recommended the second and third options. She noted that co-locating may be preferable to building new towers.

Discussion: Circumstances requiring administrative or special permit review; Chapter 5 of Land Development Code contains criteria for hearing officer to consider on special permits.

**Section 704.59.3.3 - Separation Exceptions**

Ms. Clarke removed the word "compelling" from the first paragraph.

**Section 704.59.3.3.3 - Separation Between Towers**

Ms. Clarke recommended reducing the minimum separation for guyed or lattice towers to 2,500 feet; and not to apply separation requirements if the towers are within 100 feet of an approved tower.

Discussion: Could limit number to avoid "antenna" farm; towers would have to meet offsite separation requirements.

**Section 704.59.3.3.2 - Separation From On-Site Uses**

Ms. Clarke recommended an option to reduce the separation requirement to the falldown radius from any onsite use. She referred to a graphic showing a falldown radius next to and within an adjoining building area. She advised that industry is requesting that onsite buildings not be subject to a falldown radius.

Discussion: Property rights; public safety; with no falldown radius there would be no requirement of separation from buildings; liability; existing Code requires 100 percent of tower height for residential, and falldown radius for nonresidential; etc.

Jon Prettyman, Planning Department, spoke regarding processing permit applications for towers and stated that the falldown radius is not usually an issue; that flexibility exists.

Discussion: Present number of towers permitted; falldown radius data from Homestead as a result of Hurricane Andrew unknown at this time.

**Section 704.59.3.3.1 - Separation from Off-Site Uses**

Ms. Clarke reviewed the proposed regulations.

**Section 704.59.3.3.4 - Arterial Roadway Separation**

Ms. Clarke stated this would apply only to new towers.

**Section 704.59.3.3.5 - Interstate (Entranceway) Separation**

Ms. Clarke referred to the "Entranceway at Interstates" graphic.

**Section 704.59.3.4 - Site Development**

Ms. Clarke recommended to leave as drafted.

Discussion: Section 711.45; leave paving requirements to director's discretion; bring back information regarding dustless surfaces.

**Section 704.59.3.4 - Lease Parcel Size** - Increasing buffers and landscaping may provide a better effect overall.

Discussion: Landscaping parent tract; flexibility in landscaping section of Code; would require a recorded easement for falldown radius.

**Russell Thomas**, representing Sprint, requested the ability to surface mount antenna structures on the sides of buildings. He did not object to limitations on platforms. He also addressed **Section 704.59.3.3** and **Section 704.59.3.3.3**, with the ability to request a reduction pursuant to the administrative process.

(Depart Ms. Brown)

In **Section 704.59.3.3.2**, Mr. Thomas suggested having the on-site separation requirements not apply to commercial or industrial properties. He presented four photographs showing towers in close proximity to commercial buildings and in small compound areas.

In **Section 704.59.3.3.1**, he requested allowing the fall zone to apply and granting the Planning Director the discretion to reduce it. Mr. Thomas requested the guyed towers be included in the option for **Section 704.59.3.3.5**.

**Wayne Rilko**, Quality Aggregates, advised that their concerns have been met in the options of **Section 704.59.3.14**, **Section 703.2.1.1.4**, and in the second option of **Section 704.59.3.3.3**.

**John Downs**, Manatee County Mosquito Control, reminded the Board that they need notification of new towers.

**Laura Belflower**, representing PrimeCo, spoke against the prohibition of building-mounted antennas (**Section 704.59.3.8.5**). She spoke in favor of the change in the minimum parcel size in the Administrative and Special Permit Uses, page 6; however, she requested the tower height be raised to 150 feet with a public hearing.

Regarding on-site separation-falldown zones, she requested elimination of the setback requirement as it relates to residential.

**Mike Brooks**, representing Bell South, questioned the benefits of a letter of agreement in the first option under Financial Guarantee.

(Depart Mrs. Stein)

Ms. Clarke summarized the recommended changes.

(Enter Mrs. Stein)

Discussion: Awnings project over sidewalks; flush mounted antenna a foot from the building may not be over the sidewalk or street; deciding on a case-by-case base; etc.

After discussion, Ms. Clarke advised there could be language added to allow the antennas with the Planning Director's approval. She also noted that a 150-foot tower in residential areas could be approved with a public hearing.

Clarification was requested as to from what point of the tower is measured (**Section 704.59.3.3**). Ms. Clarke recommended using the edge of the lattice and the monopole.

(Mr. Bruce absent for a portion of discussion)

Discussion: Property owner should have right to determine location on commercial/industrial sites; could limit in residential areas; safety versus aesthetics; falldown radius used since Land Development Code adopted in 1990; whether safety issue is perceived or real; towers which have collapsed; adopt as proposed and review in one year; separate residential/commercial; towers engineered to meet standards.

Jan Gerdeman, Telecom Planners, Inc., spoke regarding the type of towers being built for the wireless industry now which are very different than the old towers.

Ms. Belflower advised that for the next meeting a list of regulations which have been dealt with and the number that address the on-site fall zone issue and those that do not could be provided. A structural engineer could be present to discuss fall zones, how towers are designed, and the number of instances or the likelihood of such instances.

(Depart Mr. Stephens)

**Motion**


Motion was made by Mrs. Harris, seconded by Mr. Bruce and carried 4 to 0, to continue the public hearing to February 10, 1998 at 1:30 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 4/7/98

Adj: 4:15 p.m.  
/apm