

FEBRUARY 10, 1998

The Board of County Commissioners, Manatee County, Florida, met in SPECIAL SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Tuesday, February 10, 1998, at 1:38 p.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

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 (TELECOMMUNICATION TOWERS)

Public hearing (continued from 2/5/98) 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.

Carol Clarke, Planning Director, reviewed Ordinance 98-01 with Exhibit A and Addendum to Exhibit A. She also reviewed the summary of amendments reflecting changes made since the last hearing. RECORD S46-265  
 S46-266

(Enter Ms. Brown; Depart Mr. Bruce)

She corrected the enactment clause of the ordinance to comply with Florida Statutes (Chapter 125), and advised that the effective date of the ordinance had been changed to take effect immediately upon filing with the Office of the Secretary of State.

She reviewed Section 704.59.3.3.2 regarding On-Site Separation, which requires a tower to be a minimum distance equal to the falldown radius from any on-site habitable space. Moreover, page two of the Addendum to Exhibit A listed two alternatives requiring the falldown radius from any on-site residential use (Option 1) and the elimination of the minimum separation requirement from existing structures within the parent parcel (Option 2).

Discussion: Including wall-mounted design, allowed to project beyond building exterior walls; lattice towers will have a different setback from interstate; separation distance to be measured from the outside edge of the tower structure, excluding guy wires.

(Enter Mr. Bruce)

Mr. Stephens suggested the term "electrical substation site" on page 26 be replaced. Paul Bangel, Assistant County Attorney, offered the words "utility facility or substation." There were no objections.

Discussion: On-site separation should be at property owners' discretion; availability of tower falldown statistics based on Hurricane Andrew in Homestead, Florida; definition of habitable space.

Scott Owen, representing SBA (BellSouth), stated he has built many towers and has never seen one collapse. He explained the maintenance and inspection necessary for towers to function properly.

**LeRoy Pate** outlined his credentials and expertise as a professional engineer on tower design and construction. He stated his experience with tower failure and falldowns has been limited due to few failures and falldowns. An inspection of the damage from Hurricane Andrew in Homestead, Florida, resulted in minimal tower failure.

**Laura Belflower**, representing PrimeCo Personal Communications, distributed a list of 43 jurisdictions with and without on-site tower setbacks. She stated the definition of habitable space should be clarified or deleted. She requested clarification of residential setbacks referred to in the last paragraph of Section 704.59.3.2 Co-location. She also requested deletion of language that there must be a finding by the Planning Director that service cannot be provided without the reduction, and that the same criteria apply to all of the separation requirements.

Ms. Belflower reviewed language in Section 704.59.3.5, Bullet 3; and Section 704.59.3.8.5. In Section 704.59.3.12.6, she suggested the words after a finding of abandonment be inserted in the ninth line after the word "located."

**Cynthia Snuffin** stated BellSouth plans to erect a tower on a parcel of property she owns. If the proposed setbacks are approved, that would not be possible.

**Mike Brooks**, representing BellSouth (SBA), requested the acreage criteria for utility substations (page 26) be deleted.

Ms. Clarke pointed out that while there is some leverage in the special permit review, it is handled by a hearing officer under a quasi-judicial determination.

Mr. Brooks agreed with Ms. Belflower's request to delete the language regarding a determination by the Planning Director. He questioned the 50-foot criteria for tower relocation (Section 704.59.3.2) and stated it may require an extra jurisdictional approval process.

As an alternative, he suggested a modification to require existing communication towers, if replaced, to be done so on the same parent tract, limiting it to the same parties that had entered into the original agreement to lease the land.

Ms. Clarke stated the following sentence may be added to Section 704.59.3.2, "Moving the tower beyond 50 feet of its current location requires meeting all ordinance provisions."

**Russ Thomas**, representing Sprint, suggested adding the phrase the above referenced after the word "if" in the last paragraph of Section 704.59.3.2 (page 12). He concurred that Section 704.59.3.3.3 should not require a finding by the Planning Director.

Ms. Clarke responded to changes to Ordinance 98-01 requested during public comments. There were no objections to substituting the words utility facilities or sites for "electrical substation" on page 26.

**Recess/Reconvene.** All members present.

Joaquin Servia, Planning Department, summarized the recommended changes to Ordinance 98-01:

**Section 704.59.3.3.3** (page 13) - Leave the language for the entire section as presented.

Paul Bangel, Assistant County Attorney, recommended the words when the applicant demonstrates to the Hearing Officer's satisfaction in the paragraph beginning with the word "Either." The Board agreed.

**Section 704.59.3.3.2** (from Addendum A to Exhibit A regarding Alternative Language for On-Site Separation) - The first alternative with deletion of the words "habitable space" as already stricken.

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(Continued)

Section 704.59.3.3.1 (page 13) - Insert the words when the applicant demonstrates to the Director's satisfaction in the paragraph under the chart.

Section 201 Definitions (page 2 of Exhibit A) - Delete the definition of Habitable Space.

Section 704.59.3.8.5 (page 17) - Insert the words Antenna and at the beginning of the second sentence. Delete the first sentence.

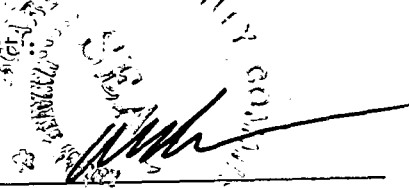
Section 704.59.3.12.6 (page 20) - Mr. McClash suggested adding the words subject to proper notice and a finding by the Code Enforcement Board that the tower has been abandoned at the end of the paragraph. The Board agreed.

Based upon the staff report, evidence presented, any written and oral comments received before or at the public hearing, and finding the request to be consistent with the Manatee County Comprehensive Plan, and consistent with the general purpose and standards of Section 503 of the Manatee County Land Development Code, motion was made by Mr. McClash, to adopt Manatee County Ordinance 98-01, amending the Manatee County Land Development Code (Ordinance 90-01, as amended), amending regulations relating to telecommunications uses and structures; and repealing Ordinance 97-68, and taking into consideration the recommendations from the Planning Department and all items entered into the record. Motion was seconded by Ms. Brown and carried unanimously. RECORD S46-267

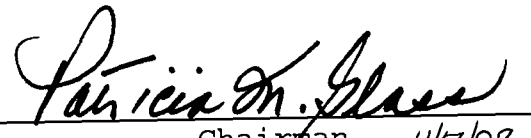
MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest:

  
\_\_\_\_\_  
Clerk

APPROVED:

  
\_\_\_\_\_  
Chairman 4/7/98

Adj: 3:40 p.m.  
/rll