



**PALM BEACH COUNTY
PLANNING, ZONING AND BUILDING DEPARTMENT
ZONING DEPARTMENT
POLICY AND PROCEDURE**

JON P. MACGILLIS, ASLA, ZONING DIRECTOR

PPM # ZO-O-059

Issued: 1/06/14

Revised: 6/16/16

SUBJECT: PROCESSING COMMUNICATION TOWER APPLICATIONS

PURPOSE: Establish procedures for reviewing and processing of applications for Commercial Communication Towers. Zoning staff shall review all Commercial Communication Towers applications in accordance with the Unified Land Development Code (ULDC) Article 4.C – Commercial Communication Tower and the following procedures.

PROCEDURES: **Application Review Process:**
Community Development, Zoning Permit Review and Administrative Review staff shall review applications for Communication Towers based on the approval processes; ULDC requirements and standards; and the procedures listed below. Zoning Staff shall:

1. Identify the Future Land Use Designation and Zoning District of the subject property.
2. Identify the proposed Tower type and height;
3. Identify the process for the proposed tower type and height in the proposed Zoning District; See Tower Approval Determination Process Flowchart (Attachment A);
4. Ensure the Applicant has provided the appropriate forms required for the process identified in #3;
5. Ensure the Applicant has provided the required documents to complete the review, i.e. Site Plan, Survey, Propagation Study, Elevations, Visual Impact Analysis, Aerial Photography, Alternative Structure Map, Tower Location as indicated on PBC Zoning Quad Map, Unity of Title, Lease Agreement, etc.;
6. All fees shall be paid before application review, including the Consultant's fees;
7. Ensure the Tower meets the requirements of the ULDC Article 4.C, including but not limited to setbacks, separations, landscaping and fencing. Applicant shall apply for Tower Waivers if setback/separation requirements cannot be met; See Tower Review Waiver Flowchart (Attachment B);
8. Ensure the Applicant has submitted a Shared Use Application package if applicable;
9. Staff shall provide the Applicant Form #18 Communication Tower Technical Requirements (Attachment C);
10. Distribute (2) copies of the Propagation Study to Facilities Development and Operations Division (Electronic Services Department) via a memorandum requesting what you want the Commercial Communication Tower Consultants to review. Apply required fees for Propagation Study

- review;
11. Ensure the Applicant has provided proper approval from FAA if the requested tower is over 200' in height or within the Airport Overlay Zone;
 12. If the proposed communication tower requires an approval by the Development Review Officer (DRO), Zoning Commission (ZC) or Board of County Commissioners (BCC), then prior to the issuance of a final building permit, the required Bond paperwork shall be submitted to Zoning Division.
 13. The Applicant is required to submit Form #18a-Tower Removal Agreement (Attachment D).
 - a. This agreement shall be submitted and signed prior to Final Approval of the use for the Administrative Process-Agency Review and Development Review Office applications and Public Hearing applications.
 - b. For Communication Towers approved through the Building Permit process Form#18a shall be submitted, signed and recorded prior to the issuance of the permit.
 14. Ensure the Applicant submits a Signed and Sealed Letter from a State of Florida registered Structural Engineer providing the cost to remove and dispose of the communication tower. The applicant must present a Surety which shall be no less than 50% of the estimated amount. Ensure removal estimates are sent to the Zoning Director and Building Division for review;
 15. If applicable, the Applicant shall submit the required Form #110 Perpetual Maintenance Agreement (Attachment E) per Article 4.C.4.E.2.a.
 - a. Form#110 shall be submitted, signed and recorded prior to Final approval of the use for the Administrative Process-Agency Review and Development Review Office applications and Public Hearing applications;
 - b. For Communication Towers approved through the Building Permit process, Form#110 shall be submitted, signed and recorded prior to the issuance of the permit;
 - c. The Form#110 shall be consistent with the Standard Template and be reviewed by the County Attorney's Office;
 - d. Ensure the original Form #110 is kept in the Zoning File and copies are given to Zoning Director and Bond Coordinator.
 16. Simultaneous submittal of applications with the Building Division for a Commercial Communication tower requires the applicant to submit the required bond paperwork to the Zoning Permitting Section; then the PM will forward the paperwork to the Bond Coordinator. The Bond Coordinator will procure the necessary bond approvals and track the bond through the ePZB bond module and then send the original documents to PZB-Accounting Division for safe keeping.(Refer to PPM ZO-O-35)
 17. Upon approval of the DRO application; staff shall prepare Form #18c – Tower Map Update and forward to ISS, the Zoning Director and the Bond Coordinator to update the Tower Map.
 18. Zoning Staff shall ensure that all documents are entered into the ePZB database; and all pertinent forms. Documents, departmental emails and approvals are recorded in the attachments and contact log screens in ePZB

Building Permit Review Process:

Pursuant to the ULDC, certain Commercial Towers are only subject to Building Permit Review Process, if so, the Zoning Permit Reviewer shall follow the procedures outlined above in addition to the following:

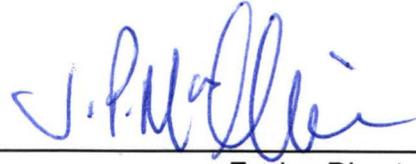
1. The Building Permit and Bond Applications will be routed to the Zoning Division to ensure that the Tower has the necessary approvals and to confirm the submittal of the required Form #18a Tower Agreement and Form #18b Tower Removal Bond (Attachment D & F).
2. The Zoning Permit Reviewer will ensure that a certified site plan exists or will require the applicant to update the Site Plan (if applicable);
3. The Zoning Permit Reviewer shall ensure all documents are entered into a New PCN-no app in ePZB database; and all pertinent forms, departmental email requests and approvals are recorded in the application attachment screen. Zoning Permit Reviewer verifies if the tower is located on the Communication Tower Map. If tower is not on the "Commercial Communication Tower Map", then verify that tower is subject to only Building Permit Review process in accordance with ULDC requirements;
4. Zoning Permit Reviewer confirms that an approved and recorded Bond is on file via the Bond Module in ePZB database:
 - a. If a valid bond is on file; process the Building Permit per ULDC requirements;
 - b. If bond is not on file (check the bond module in ePZB); contact the Zoning Division Bond Coordinator for confirmation if no bond. Permit shall be placed on hold or routed to another Division for review until the bond has been approved by the Zoning Division.
5. The Zoning Permit Reviewer shall ensure the Tower is in compliance with FCC standards by obtaining a letter/ or a waiver from the Applicant;
6. The Zoning Reviewer confirms all ULDC requirements are met before approving the application;
7. Upon permit review approval, the Zoning Reviewer shall notify the Zoning Director that the tower has been approved.

Communication Tower Map Update: (Attachment G)

The Tower Map identifies all approved Commercial Communication Towers with current status of approved/bonded/constructed for Unincorporated PBC. Through Information Systems Services (ISS), Zoning Division shall update the information (tower location, Bond information and Approval status) on the Tower Map.

1. Zoning Staff shall submit Form #18c – Tower Map Update to ISS to ensure that the Commercial Communication Tower Map is maintained. The Form #18c may be provided to ISS during any of the following stages:
 - a. Tower is approved: Final BCC/ZC/DRO approval;
 - b. Tower has a Bond: Bond approved and filed with the Administration – Accounting Division;
 - c. Tower is constructed: received a Final Certificate of Completion Issuance by the Building Department.

2. ISS shall issue a confirmation email when the map is updated on the Zoning Web page (see attachment G for Web address).



Zoning Director

Attachment A - Flow Chart	Tower Approval Determination Process
Attachment B - Flow Chart	Tower Review Waiver
Attachment C - Form # 18	Communications Tower Technical Submittal Requirements
Attachment D - Form # 18a	Commercial Communications Tower Removal Agreement
Attachment E - Form # 110	Perpetual Maintenance Agreement
Attachment F - Form # 18b	Tower Removal Bond
Attachment G - Tower Map	Zoning Division Approved Commercial Communication Tower Map

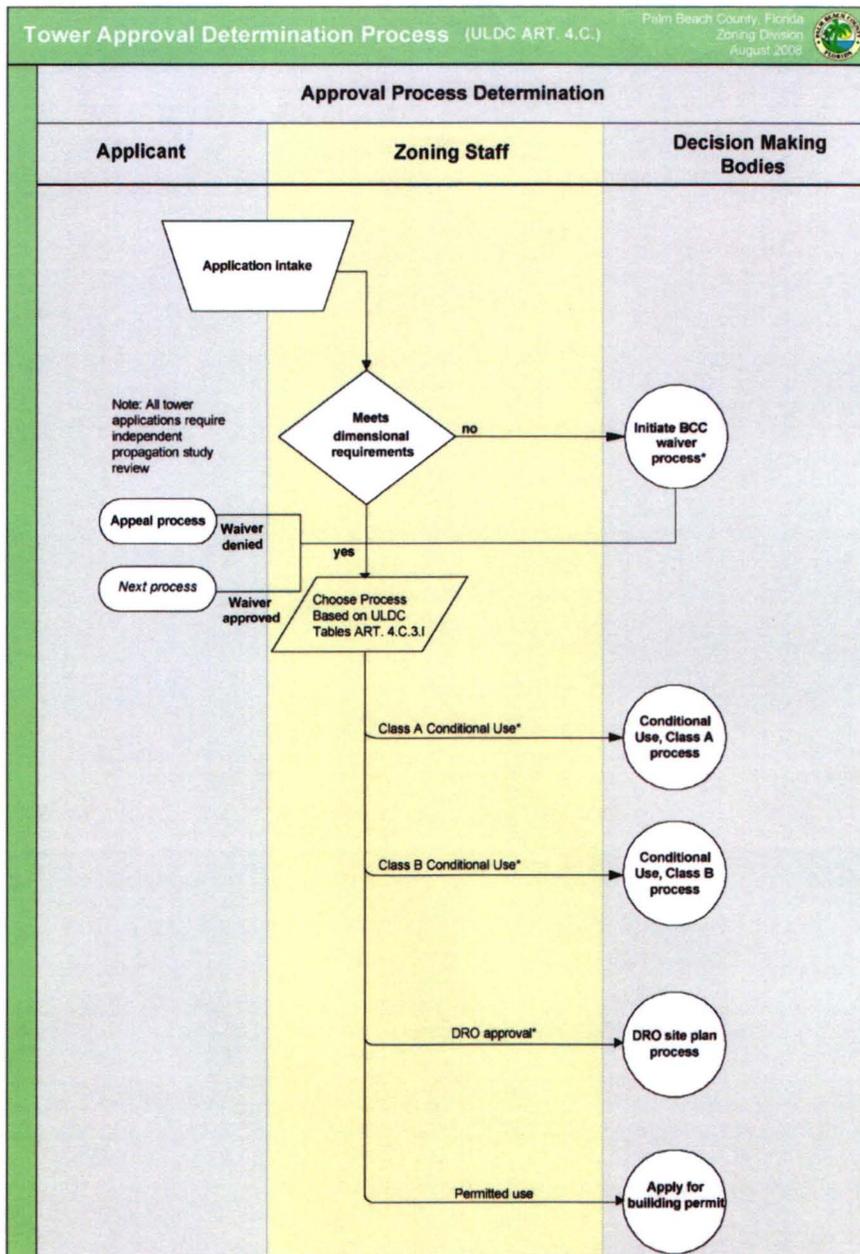
Supersession History:

PPM#ZO-O-059, Revised 6/20/2016

Attachment A

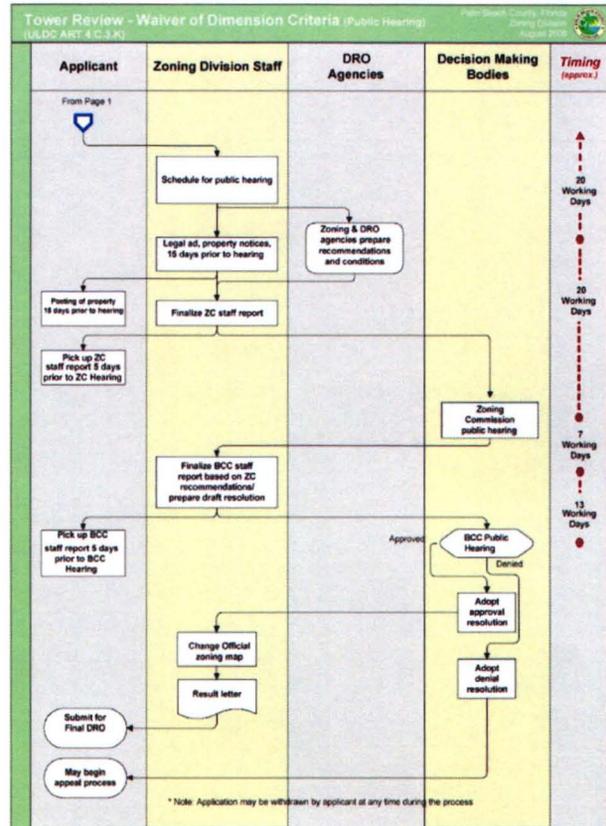
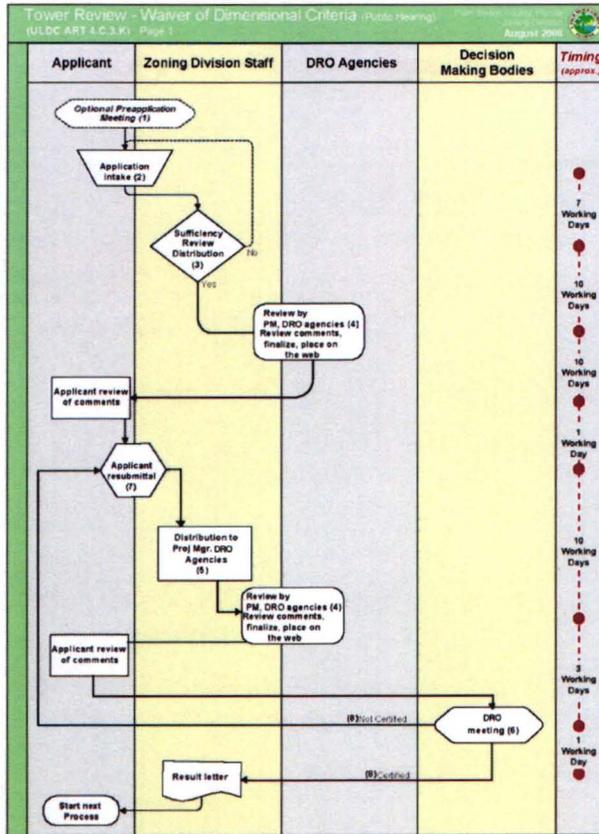
Flow Chart - Tower Approval Determination Process

http://www.pbcgov.com/pzb/zoning/newapps/flowcharts/Tower_Approval_Process.pdf



Attachment B Flow Chart - Tower Review Waiver

http://www.pbcgov.com/pzb/zoning/newapps/flowcharts/Tower_Rev_Waiver.pdf



Attachment C
Form # 18 - Communications Tower Technical Submittal Requirements

<http://www.pbcgov.com/pzb/zoning/newapps/Form-18.pdf>

PALM BEACH COUNTY - ZONING DIVISION

FORM # 18

COMMERCIAL COMMUNICATION TOWER TECHNICAL SUBMITTAL REQUIREMENTS

General: The following information is required at time of submittal. Incomplete applications will be considered insufficient.

I. REQUIREMENTS FOR CELLULAR, PCS AND ESMR (Sprint) PROPONENTS

- 1. Maps showing all carriers predicted and/or measured coverage with and without the proposed facility. The existing coverage should be shown for all adjacent cell sites. The maps should also have a scale of distance and a legend clearly identifying the signal levels depicted and the propagation model used to produce them.
- 2. Link budgets (both base to portable and portable to base) clearly identifying the assumed losses and gains in both the transmit and receive paths.
- 3. The type of modulation/multiple access being used (i.e. analog AMPS, TDMA, CDMA).
- 4. The type and length of all transmission lines.
- 5. The ERP, make, model, and specifications for all base station antennas (both transmit and receive) including the horizontal and vertical antenna patterns and orientations for all sectors of all cells (both existing and proposed) requiring study.
- 6. The bases for any losses assumed for foliage, land use/land clutter and/or building penetration.
- 7. For all existing and proposed sites: ground elevations, geographic coordinates, overall tower heights and heights of antenna centerlines above ground level for all carriers for whom coverage evaluation is to be done.

II. REQUIREMENTS FOR SMR OR OTHER GENERAL TWO-WAY RADIO SYSTEM PROPONENTS

- 1. Provide a propagation study for the proposed facility, and, if the proposed facility is a modification of an existing facility, provide a propagation study for the existing facility. The maps should have a scale of distance and a legend clearly identifying the signal levels depicted and the propagation model used to produce them and the assumed frequency for which the plot was generated.
- 2. Link budgets (both base to portable and portable to base) clearly identifying the assumed losses and gains in both the transmit and receive paths.
- 3. Provide the transmitter output power, the type and length of coaxial cables to be used, the ERP, make, model, and specifications for all base station antennas (both transmit and receive) including the horizontal and vertical antenna patterns and orientations for all antennas (both existing and proposed) requiring study.
- 4. The bases for any losses assumed for foliage, land use/land clutter and/or building penetration.
- 5. If there is an FCC requirement for coverage (such as for 900 MHz SMR's), explain how this requirement affects the need for the proposed facility.
- 6. For all existing and proposed sites: ground elevations, geographic coordinates, overall tower heights and heights of antenna centerlines above ground level for all carriers for whom coverage evaluation is to be done.

**III. REQUIREMENTS FOR BROADCAST FACILITIES PROPONENTS
(INCLUDING AM radio, FM radio, TV, FM translators, LPTV, DTV)**

- 1. A complete copy of the technical portion of the proponent's application with the FCC. This should include all pages from the technical portion of the appropriate FCC form, all accompanying text and engineering exhibits that accompany the FCC form.

IV. REQUIREMENTS FOR MICROWAVE FACILITIES PROPONENTS

- 1. Complete link budgets for equipment at both ends of all microwave paths. This should include transmitter output power, transmission line or waveguide makes, models and lengths, antenna makes and models along with gains. Path losses should be determined and identified for each link.
- 2. Operating frequencies for all microwave paths.
- 3. Orientations of all antennas.
- 4. What is the nature of the traffic to be sent over the microwave?
- 5. What is the proposed capacity of the microwave system?
- 6. For all sites: Ground elevations, geographic coordinates, overall tower heights and heights of antenna centerlines above ground level for all antennas.

Attachment D
Form # 18a - Commercial Communications Tower Removal Agreement

http://www.pbcgov.com/pzb/zoning/newapps/Form-18a.pdf

PALM BEACH COUNTY - ZONING DIVISION

FORM # 18A

County Administrator
Robe

Palm Beach County Zoning Division
2300 N. Jog Road
West Palm Beach, Florida 33411
Phone: (561) 233-5200
Fax: (561) 233-5165



COMMERCIAL COMMUNICATION TOWER REMOVAL AGREEMENT

This Agreement is made this ____ day of _____, 20__ by and between _____, a _____ corporation (TOWER OPERATOR), having an address of _____, and _____, property owner (OWNER) having an address of _____, _____, and Palm Beach County, a political subdivision of the State of Florida.

WHEREAS, TOWER OPERATOR owns and operates a commercial communication tower within the County of Palm Beach (COUNTY) located on land leased to TOWER OPERATOR by OWNER and more fully described in the legal description attached as Exhibit "A".

WHEREAS, TOWER OPERATOR intends to use said tower as a commercial communication tower; and

WHEREAS, COUNTY has granted TOWER OPERATOR an approval to use the property for a commercial communication tower, and has granted a permit to erect a commercial communication tower; and

WHEREAS, the parties make this Agreement pursuant to Article 4.C Communication Tower, Commercial, of the Unified Land Development Code of Palm Beach County, Florida (December 4, 2003) and as amended.

NOW, THEREFORE, in consideration of ten dollars (\$10.00), and the granting of the use of the property for a commercial communication tower, it is agreed as follows:

1. TOWER OPERATOR and OWNER agree that in the event the commercial communication tower located on the real property described above shall become abandoned (as defined in Article 4.C.4.G.1) or ceases to be used, TOWER OPERATOR and OWNER shall remove said tower within three (3) months of the cessation of use.

2. Abandonment or cessation of use shall be defined as the non-use of the tower for the purposes permitted, by the TOWER OPERATOR or any of its lessees or OWNER. Use shall be defined as the reception or broadcasting of radio, light or electromagnetic type signals to or from the communication tower.

3. This Agreement shall be binding upon TOWER OPERATOR, OWNER, and their assigns and successors.

4. TOWER OPERATOR or OWNER shall notify Palm Beach County Zoning Division within thirty (30) days of cessation of use.

5. In the event that TOWER OPERATOR or OWNER fail to remove the tower within the three (3) months set forth herein, COUNTY may have the tower removed without notice and OWNER shall be responsible for the COUNTY's reasonable direct and indirect costs of removal. TOWER OPERATOR or OWNER has posted surety which COUNTY shall draw to pay the cost of removal. The COUNTY may record a lien against the real property or personal property of OWNER and TOWER OPERATOR for costs of removal which exceed the surety or if the surety is invalid or expired for any reason.

6. COUNTY shall not be responsible to OWNER or TOWER OPERATOR for damage to any structures or property caused through removal of the tower.

7. This Agreement shall be recorded in the Public Records of Palm Beach County, Florida and shall run with the land and be binding on any successor or assigns of OWNER and OPERATOR.

**Attachment E
Form # 110 - Perpetual Maintenance Agreement**

http://www.pbcgov.com/pzb/zoning/newapps/Form-110.pdf

PALM BEACH COUNTY - ZONING DIVISION

FORM # 110

County Administrator
F

Palm Beach County Zoning Division
2300 N. Jog Road
West Palm Beach, Florida 33411
Phone: (561) 233-6200
Fax: (561) 233-5165



PERPETUAL MAINTENANCE AGREEMENT

THIS DECLARATION is made this ____ day of _____, 20__ by and between _____ ("Property Owner"), having an address of _____, and _____ ("Lessee") having an address of _____.

WITNESSETH

WHEREAS, Property Owner is the owner in fee simple of the real property (the "Property") described on attached Exhibit A and the leased parcel described on attached Exhibit B.

WHEREAS, Property Owner, pursuant to Article 4.C.4.E.2.a of the Palm Beach County Unified Land Development Code ("ULDC"), intends to maintain required landscaping for the leased parcel, as shown on attached Exhibit C.

NOW, THEREFORE, in consideration of the premises and mutual covenants herein contained, Property Owner hereby declares the following:

1. Pursuant to Article 4.C.4.E.2 of the ULDC, Property Owner agrees to maintain the required landscape buffer, as shown on Exhibit C, which is located outside leased parcel.
2. All required buffer landscaping shall be installed at the expense of the Lessee. All landscape shall be the perpetual maintenance obligation of the Property Owner and its successors, heirs and assignees. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, replacement of dead and dying plants, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material, installation, and maintenance requirement shall be subject to the standards set forth by Article 7 of the ULDC.
3. This declaration shall be recorded in the Public Records of Palm Beach County and shall run with the land.

**Attachment F
Form # 18b - Tower Removal Bond**

http://www.pbcgov.com/pzb/zoning/newapps/Form-18b.pdf

PALM BEACH COUNTY - ZONING DIVISION

FORM # 18B

County Administrator

Palm Beach County Zoning Division
2300 N. Jog Road
West Palm Beach, Florida 33411
Phone: (561) 233-5200
Fax: (561) 233-5165



TOWER / STRUCTURE REMOVAL BOND

Bond Number: _____

Site Number: _____

KNOW ALL BY THESE PRESENTS, That we _____, hereinafter called Principal, and _____, a surety company authorized to do business in the state of Florida, hereinafter referred to as Surety, are held and firmly bound unto Palm Beach County, a political subdivision of the State of Florida, hereinafter referred to as Oblige in the full and just sum of _____ Dollars (\$ _____) lawful money of the United States of America, to be paid to the Board of County Commissioners of Palm Beach County to which payment will and truly to be made we bind ourselves our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents:

WHEREAS, Principal is seeking approval for or has constructed a commercial communications tower pursuant to Article 4, Chapter C, Communications Tower, Commercial of the Unified Land Development Code (ULDC) of Palm Beach County, Florida for the telecommunication facility located at: _____.

WHEREAS, Article 4, Chapter C, of the ULDC requires the Principal to provide a bond or other surety guaranteeing removal and disposal of the tower / structure at said location.

NOW, THEREFORE, the conditions of this obligation are such that if the above bounded Principal shall comply with the requirements and time frames set forth in Article 4, Chapter C of the ULDC regarding the removal and disposal of the tower, then this obligation is void; otherwise the sum herein stated shall be due and payable to county and Surety agrees to pay said sum immediately upon demand of Oblige, in good and lawful money of the United States of America, for failure of the Principal to comply with the Article 4, Chapter C of the ULDC.

THIS BOND may be cancelled by Surety by giving thirty (30) days written notice to the Oblige. Such Cancellation shall not affect any liability that may have incurred under this bond prior to the effective date of the termination. In the event the bond is terminated, Principal has the obligation to replace the bond with a new bond or other surety approved by Palm Beach County. Failure of the Principal to obtain a replacement surety is a violation of the ULDC and subjects the Principal to enforcement proceedings as determined appropriate by the County.

PROVIDED, HOWEVER, that this bond is executed subject to the following express provisions and conditions:

1. Any claim against the Surety on this Bond shall be made by Oblige in writing within twelve (12) months from the effective date of the cancellation of this Bond.
2. Neither cancellation nor termination of this bond by Surety, nor inability of Principal to file a replacement bond or replacement surety for its obligations, shall constitute a loss to Oblige recoverable under this bond.
3. No right of action shall accrue under this Bond to or for the use of a person or entity or corporation other than the Oblige, and its successors and assigns.

Attachment G

Zoning Division Approved Communication Towers Map
http://www.pbcgov.com/pzb/Maps/zoning_maps/Comm_towers.pdf

