January 18, 2017

Department of Planning, Zoning & Building

2300 North Jog Road
West Palm Beach, FL 33411-2741
(561) 233-5000

Planning Division 233-5300
Zoning Division 233-5200
Building Division 233-5100
Code Enforcement 233-5500
Contractors Certification 233-5525
Administration Office 233-5005
Executive Office 233-5228
www.pbcgov.com/pzb

Mr. Wesley Blackman, AICP, Chairman, and
Members of the Land Development Regulation Advisory Board (LDRAB) and
Land Development Regulation Commission
241 Columbia Drive
Lake Worth, FL 33460

RE: January 25, 2017 LDRAB/LDRC Meeting

Dear Mr. Blackman & Board Members:

Attached please find the agenda and supporting materials to assist you in preparing for the LDRAB/LDRC hearing on Wednesday, January 25, 2017.

The meeting will commence at **2:00 p.m.** in the Vista Center 1st Floor Kenneth S. Rogers Hearing Room (VC-1W-47), located at 2300 North Jog Road, West Palm Beach, Florida.

If you should have any questions or require additional information, please contact me at (561) 233-5206 or via email at WCross@pbcgov.org, or Monica Cantor, Senior Site Planner at (561) 233-5205, or via email at MCantor@pbcgov.org.

Sincerely,

William Cross, AICP
Principal Site Planner, Zoning Division

Attachments: January 25, 2017 LDRAB/LDRC Agenda

c: Faye Outlaw, Assistant County Administrator
Patrick Rutter, Executive Director, PZB
Lorenzo Aghemo, Planning Director
Robert P. Banks, Chief Land Use County Attorney
Leonard W. Berger, Chief Assistant County Attorney
Jon MacGillis, ASLA, Zoning Director
Maryann Kwok, Deputy Zoning Director
Monica Cantor, Senior Site Planner, Zoning

PALM BEACH COUNTY

LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)
LAND DEVELOPMENT REGULATION COMMISSION (LDRC)

JANUARY 25, 2017

BOARD MEMBERS

Wesley Blackman, AICP, Chair (PBC Planning Congress)

David Carpenter, RLA, Vice Chair (District 2)

Vacant (District 1)

Vacant (District 3)

James Knight (District 4)

Lori Vinikoor (District 5)

Vacant (District 6)

Henry D. Studstill (District 7)

Daniel J. Walesky (Gold Coast Builders Assoc.)

Vacant (Palm Beach League of Cities)

Terrence N. Bailey (Florida Engineering Society)

James M. McKay (American Institute of Architects)

Tommy B. Strowd (Environmental Organization)

Frank Gulisano (Realtor's Assoc. of the Palm Beaches)

Derek Zeman (Fl. Surveying and Mapping Society)

Vacant (Association Gen. Cont. of America)

James M. Brake (Member at Large/Alternate)

Vacant (Member at Large/Alternate)

Board of County Commissioners

Paulette Burdick
Mayor, District 2

Melissa McKinlay
Vice Mayor, District 6

Hal R. Valeche
Commissioner, District 1

David Kerner
Commissioner, District 3

Steven L. Abrams,
Commissioner, District 4

Mary Lou Berger
Commissioner, District 5

Mack Bernard
Commissioner, District 7

Verdenia C. Baker
County Administrator

LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)
LAND DEVELOPMENT REGULATION COMMISSION (LDRC)

WEDNESDAY, JANUARY 25, 2017 AGENDA
2300 NORTH JOG ROAD
KEN ROGERS HEARING ROOM - 1ST FLOOR (VC-1W-47)
2:00 P.M.

A. CALL TO ORDER/CONVENE AS LDRAB
1. Roll Call
2. Additions, Substitutions and Deletions
3. Motion to Adopt Agenda
4. Adoption of Dec. 14, 2016 Minutes (Exhibit A)

B. ULDC AMENDMENTS
1. Exhibit B – FPL Commercial Communication Towers Privately Initiated Amendment (PIA)

C. RECESS AS THE LDRAB AND CONVENE AS THE LDRC
1. Proof of Publication
2. Consistency Determination

D. ADJOURN AS THE LDRC AND RECONVENE AS THE LDRAB

E. PUBLIC COMMENTS

F. STAFF COMMENTS

G. ADJOURN

EXHIBIT A

PALM BEACH COUNTY
LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)
LAND DEVELOPMENT REGULATION COMMISSION (LDRC)

(Updated 12/14/16)

Minutes of December 14, 2016 LDRAB Meeting

On Wednesday, December 14, 2016 the Palm Beach County Land Development Regulation Advisory Board (LDRAB), met in the Ken Rogers Hearing Room (VC-1W-47), at 2300 North Jog Road, West Palm Beach, Florida.

A. Call to Order/Convene as LDRAB

1. Roll Call

Chair Wes Blackman called the meeting to order at 2:05 p.m. Zona Case, Code Revision Zoning Technician, called the roll.

Members Present: 12
Wesley Blackman (PBC Planning Congress)
Michael Peragine (District 1)
David Carpenter (District 2)
Barbara Katz (District 3)
Jim Knight (District 4)
Lori Vinikoor (District 5)
Terrence Bailey (Florida Eng. Society)
Frank Gulisano (PBC Board of Realtors)
Tommy Strowd (Environmental Organization)
Daniel J. Walesky (Gold Coast Bld. Assoc.)
Derek Zeman (FL Surveying & Mppng. Soc.)
James McKay (AIA)

Members Absent: 2
Henry Studstill (District 7)
James Brake (Member at Large, Alt.)

Vacancies: 4
District 6
Assoc. General Contractors of America
League of Cities
Member at Large/Alternate

County Staff Present: 8
Leonard Berger, Chief Assistant County Attorney
Maryann Kwok, Deputy Zoning Director, Zoning
William Cross, AICP, Principal Site Planner, Zoning
Monica Cantor, Senior Site Planner
Scott Rodriguez, Site Planner II, Zoning
Daniel Greenberg, Site Planner II, Zoning
Bryan Davis, Principal Planner, Planning
Zona Case, Zoning Technician, Zoning

2. Additions, Substitutions, and Deletions

Mr. Blackman requested a motion to approve the Agenda with the incorporation of the items on the add/delete sheet.

3. Motion to Adopt Agenda

Motion to adopt the agenda and the add/delete by Ms. Katz, seconded by Ms. Vinikoor. Motion passed (12 - 0).

4. Adoption of November 30, 2016 Minutes (Exhibit A)

Motion to adopt by Ms. Vinikoor, seconded by Ms. Katz. Motion passed (12 - 0).

B. ULDC Amendments

1. Exhibit B – Western Community Residential Overlay (WCRO)

The Chair noted that there were requests from members of the public to speak on this item, and advised they would be allowed to do after staff's presentation.

Mr. Cross clarified that the item was a Privately Initiated Amendment, submitted by GL Homes concurrent with related Comprehensive Plan, land use and rezoning applications, and was originally presented to the LDRAB/LDRC on April 27, 2016. Subsequently, the Land use and text amendments were adopted by the BCC separately in September 2016, and the applicant has since sought to revise their original request, necessitating re-submittal to the LDRAB/LDRC. He clarified that the revisions generally addressed:

- the deletion of the terminology "parcel designation" on page 14;
- establishment of a new exception for landscape buffer requirements inbetween residential pods and WCR specific open space areas, subject to increased separation requirements;
- establishment of a new exception for perimeter landscape buffer requirements for WCR specific open space tracts;
- establishment of special provisions for section line easements intended for drainage, ingress, egress, irrigation, etc., to allow for limited improvements, including landscaping, within those easements.

Mr. MacGillis opined that the Board would benefit from some background information and this was provided by Mr. Bryan Davis of the Planning Division. He explained that the area is west of Seminole Pratt Whitney Road in the Rural Tier, the last piece adjacent to the Acreage, and that the Division has been studying the area for the past 15 years. The intent is to develop at a density commensurate with the adjacent land uses, protect the wild life and the Everglades Agricultural Area, look at ways to provide amenities for the residents, and address issues such as drainage. The amendments were requested by the GL Homes concurrent with a land use amendment application for the Indian Trails Grove.

In response to questions from Ms. Vinikoor, Mr. Cross explained the percentage requirements for Open Space and Mr. Davis responded that the rural parkway, as described in the Plan, is no less than 50ft in width and is typically on one side, although some sections may be 80ft wide.

A member of the public, Mr. Drew Martin, Chair of the Loxahatchee Group, Sierrra Club, expressed the following concerns: the development is inconsistent with the area as it is more intense and changes the personality of the rural area; residents are offended by such large developments; the preserve site is not clearly defined as “open space” to ensure that in the future it will not be used for a fire station, school, etc. He also expressed traffic and drainage concerns.

Similar concerns about density and traffic congestion were expressed by Mr. Edward Tedtmann.

Mr. Chris Barry of Urban Design Kilday Studios representing Iota Carol spoke in support of the development, as did Mr. Kevin Ratterree, representing GL Homes.

C. USE REGULATIONS PROJECT (URP) AMENDMENTS

1. Amendments Not Previously Presented
   a) Exhibit C – Article 3, Overlays and Zoning Districts

      Referring to pages 17 through 37 of the exhibit, Ms. Cantor provided a general overview of the amendments, noting that the Exhibit includes: the renaming uses for consistency with revisions under the Use Regulations Project; reiterated that the terminology “Requested Use” was technically the same as “Conditional Use” and would be consolidated with the latter; and, establishes that the Institutional and Public Facilities District (IPF) Zoning district is consistent with the Utilities and Transportation (U/T) Future Land Use designation, to accommodate development for certain types of publicly or privately operated utilities that do not fit the criteria for the Public Ownership (PO) Zoning District.

      Mr. Cross referred to page 38, line 34, MUPDs and said that page 1, line 11 of the add/delete sheet, clarifies applicability of provisions for freestanding buildings.

      Ms. Cantor pointed out that lines 35 – 57 on page 39, deletes the types of approval processes which are already outlined in Article 4, Use Regulations

      Motion to approve by Mr. Gulisano, seconded by Ms. Katz. Motion passed (12 – 0).

   b) Exhibit D – Article 5, Supplementary Standards

      Ms. Cantor identified the significant changes in the Exhibit: The difference between Accessory Office Use and Business and Professional Office use is clarified on page 46; Air Curtain Incinerator is relocated from Article 4, as the use can only be an accessory use - pages 49 – 50; page 53 - clarifications to the Flex Space table; and, page 1, line 28 of the add/delete sheet changes the Hours of Operation table on page 55, line 10.

      Motion to approve by Ms. Vinikoor, seconded by Ms. Brinkman. Motion passed (12 – 0)

c) Exhibit E – Article 7, Landscaping

Ms. Cantor provided an overview of the exhibit, highlighting the landscaping requirements for foundation plantings in relation to unmanned retail structures.

Motion to approve by Mr. Gulisano, seconded by Ms. Vinikoor. The motion passed (12 – 0).

d) Exhibit F – Article 15, Health Regulations

Mr. Greenberg explained that the amendments reflect name changes primarily related to the Utilities Use Classification.

Motion to approve by Mr. Carpenter, seconded by Ms. Katz. The Motion passed (12 – 0)

e) Exhibit G – Article 4A, Use Classification

Ms. Cantor advised that the User guide is being provided to improve understanding of the methodology and elements to be aware of before moving to the approval process. She noted that the type of use is defined and clarified on pages 63 and 64.

Motion to approve by Mr. Carpenter, seconded by Ms. Vinikoor. Motion passed (12 – 0).

2. Modification to Exhibits Previously Presented to LDRAB
   a) Exhibit H – Institutional, Public and Civic Uses

Mr. Rodriguez advised that this was previously reviewed on November 18 and he called attention to the subsequent changes:

- A footnote was added to all of the Use Matrices to reiterate that Code users must review the Supplementary Standards prior to determining the applicable application process.
- References to Homeless Resource Center are to be deleted from the Code.
- Page 72 – minor change related to cemetery in a MUPD.
- Page 73 - minor changes to the approval process for College or University use.
- Separation of Prisons, Jails and Correctional Facilities use from the umbrella of Government Uses, to clarify the difference in the approval process for these institutions, versus the process for other Government Service uses.
- Place of Worship - deletion of the standard related to the use in a PO Zoning District as this is now an allowed Use.

Ms. Cantor explained that the amendments on pages 88 – 94 reflect State Statutes, indicating that Charter schools and Public Schools are subject to the same regulations. Provisions for pedestrian safety will be applicable to all schools and the required amount of queuing, drop-off and pick-up spaces is being clarified. She advised that the amendments are subject to further discussion with the School District and therefore subject to further changes.

A brief discussion on queuing and safety followed, and Ms. Kwok noted that the most recent changes had been omitted from the Exhibit, and Ms. Cantor read the following changes into the record:

b) Design Requirements
(1) Drop-off/pick up spaces may be provided in form of a parking space or a queuing space. One designated drop-off/pick-up parking space shall be provided for every 20 students. Dimension of parking spaces shall be pursuant to Art. 6, Parking;
(2) Drop off/pick-up queuing spaces may be provided. Double queuing lanes that are located side by side are discouraged. Dimension of the queuing

distance shall be based on one and a half linear feet for each student and the width of the queuing space shall be a minimum of 12 feet;

(3) A minimum four-foot wide sidewalk shall be provided adjacent to the drop-off/pick-up queuing spaces or parking lots and to be connected to the School entrance(s).

Mr. McClellan, Senior Planner, PBC Facilities Development and Operations (FD&O) clarified that he was specifically addressing the proposal to strike all references to Homeless Resource Center from the code as shown in the Exhibit. He informed the Board that as part of the URP, FD&O and Zoning have had ongoing dialogue and a number of meetings with County Administration on this matter. Mr. McClellan expressed the opinion that to take action at this time would be premature with there being another meeting scheduled, and he respectfully requested that the deletion be tabled, no action be taken until the pending meeting convened, and return it to the Board with the conclusions reached.

Mr. Gulisano expressed a preference for tabling the exhibit and postponing for a future meeting.

A discussion ensued and in response to inquiries from the Chair and Vice-Chair , Mr. Cross clarified that Zoning had been directed by County Administration to delete all references to Homeless Resource Center in the Code, both the existing and the proposed version, and proceed with the topic on a separate timeline from the URP. In the interim the use will cease to exist if the amendments are adopted in February 2017. He noted that it was anticipated that the subsequent amendments would be scheduled in early 2017, resulting in a very limited window where the use would cease to exist. In response to an inquiry, he noted that there was only one small existing facility approved as a Homeless Resource Center in unincorporated PBC, which would not be adversely impacted at this time.

Mr. MacGillis expressed that he had no objection to tabling until County Administration decides whether the process should be Public Hearing, which would give the public an opportunity to participate, or the DRO administrative process.

Mr. McClellan indicated he would assume personal responsibility for the request.

Ms. Vinikoor offered to make a motion to support staffs position noting the written direction that was given to them, and Mr. Bailey inquired whether it would be permissible to approve without the modification, and return to it. He went on to say if it is deleted there will be a void and having the old seems better than having nothing. It could also provide motivation to get to something better. Mr. Cross clarified that current direction would be to bring the subject back as a separate Ordinance, which would likely be processed in short order.

The Chair expressed support for Mr. Bailey's recommendation especially in view of the homelessness crisis in the County. Mr. Walesky also gave his support, indicating that since it is unknown what the decision will be, when it is known the amendment will have to be re-done.

Motion by Mr. Carpenter to accept staff's proposal to delete and to include the language regarding schools that was read into the record, seconded by Mr. Gulisano.

The Chair requested a roll call and clarified the motion: to delete as proposed by staff.

The secretary called the roll and the motion failed (3 – 9).

Motion by Mr. Bailey to approve Exhibit H, including the changes for Schools, and to retain the amendment language for the Homeless Resource Center, seconded by Mr. Walesky. Motion passed (9 - 3). Mr. Carpenter, Ms. Vinikoor and Mr. Gulisano voted nay.

b) Exhibit I – Temporary Uses

Mr. Greenberg noted that page 113 relates to renaming uses in keeping with the URP, and on page 115, language has been added to Table 6.A.1.B to clarify regulations for off-street parking.

Motion to approve by Mr. Carpenter, seconded by Ms. Katz. Motion passed (12 – 0).

c) Exhibit J – Commercial Uses

Ms. Cantor noted that most of the changes in the Exhibit, pages 116 – 207, were minor administrative or editorial corrections. Mr. Rodriguez provided a general overview of several of changes as follows:

- Page 2, line 12 of the add delete sheet, clarifies the approval process for Cocktail Lounge on page 137 of the Exhibit.
- Page 142, noted the amendments to Outdoor Activities for Dog Day-care.
- Page 3, line 7 of the add delete sheet clarifies the approval process for Microbrewery, page 166, which is a new use.
- In the WCRAO - Convenience Stores will be prohibited in specified sub-areas of the WCRAO [editor: as requested by the Westgate Belvedere Homes CRA].
- Page 173, Type 1 Restaurant – on page 3 of the add/delete, the use in the IL district and reference to district specific requirements are deleted.

Mr. Greenberg further noted the following: Retail Sales, outdoor display areas for monument sales on page 179, and Provisions for Unmanned Retail Structures that may sell water, ice or offer temporary storage of packages intended for pick-up - page 180, both amended by pages 3 and 4 of the add delete.

Ms. Vinikoor inquired about the limit of one kiosk per development or per storefront and Mr. MacGillis explained that this is a new concept for drop-off and pick-up, such as Fedex, and the language applies to more substantial kiosks. He suggested that the language could be refined to make exemptions for ice and water machines and allow up to 3 if they are alongside a building. Mr. Cross added that this is an introductory use and staff recommends one for now, see where the industry goes and then review.

Ms. Cantor referred to page 3, line 27 of the add/delete sheet where Design standards and wall signs are being addressed. Ms. Cantor also noted the following amendments:

- Page 194, line 18 – 21 was previously presented and wrongfully double-underlined in the exhibit.
- Pages 203 – 204 updates the Westgate WCRAO Table sub areas, requested by Westgate. Page 206- updates Table 6.A.1.b for parking and also signage for unmanned retail structure.

Mr. Cross apologized for bypassing the amendment on Pg 152– line 4 and the add/delete, page 2, lines 37-38. Additional flexibility is being offered by allowing exceptions to prohibiting access from a residential street for a hotel located in a Regional Park, namely Morikami. The Morikami project was passed some years at which time the access was prohibited.

Mr. Gulisano left the meeting at 3:56 p.m.

Ms. Jennifer Morton spoke in reference to changes for Self Service Storage Facilities, thanking Zoning staff for working with her to amend the code to add an option to allow for a limited Self Storage use subject in the Commercial pod of a PUD. However, she would be requesting deletion of the limitation of maximum of 50 percent of the overall Commercial pod on page 182, line 22. Ms. Morton noted that she is representing the owner of a Commercial pod within a project approved in the

late 70s, referencing a map handed out, and that the site has remained vacant. She clarified that the proposed use is not a multiple access use with bay-doors but a single entry into air conditioned space. Ms. Morton cited the benefits of the self-storage facility as low traffic generation, quiet neighbor, limited impact on adjacent residential, providing a service to the residents living in the Melrose PUD. If the limit to 50% GFA remains her client would not be able to use the self-service provision. The site is only 4.5 acres and the entire site is needed to do self-storage.

Mr. Cross noted that given the limited justification provided by Ms. Morton to date, staff had only been able to justify adding the use with the limitation. He further noted that there were other unresolved issues related to permitted floor area ratio (FAR) that would preclude this site from attaining the desired 100,000 sq. ft. and that it would be premature to incorporate the requested change until that issue was resolved. Mr. Davis advised that the FAR would still not get them to 100,000 sq. ft, which is what they desire. Mr. Cross also reiterated that self-storage was not previously permitted in a Commercial pod. Mr. MacGillis pointed out that the Commercial pod zoning is not regular commercial but required to be primarily for use by the residents. He commented that Ms. Morton was advised to try to do a Privately Initiated Amendment (PIA), or a future land use (FLU) amendment to Commercial.

Mr. Gary Brodis of Atlantic Commercial Group, explained that the owners have been unable to attract buyers or developers in the ten years of ownership, and only in the last year have had a couple of interested parties. There has to be a critical mass to make it financially viable. He fully supported the request and asked for consideration.

Motion by Mr. Bailey, to approve with the addition of a waiver option for Self Service Storage, to allow the BCC to approve above 50%, seconded by Mr. Peragine. Motion passed (11 – 0).

Mr. Bailey left the meeting at 4:04 p.m.

d) Exhibit K – Residential Uses
Ms. Cantor highlighted the following:

- Page 212 – recognizes that the Plan allows affordable housing in IPF zoning when sponsored by a non-profit organization or community based group but does not allow for sale [editor: note this provision was existing, but was limited due to being located under the Place of Worship use].
- Page 219, Mobile Home - clarifies that the only zoning district in which mobile home dwelling is considered a principal use is in the MHPD [editor: Mobile Home Park Development]; Page 221 – Supplementary Use Standards relating to Mobile Home access to bona fide agriculture will be located under Mobile Home use due to reconstruction of Article 4 under the URP.
- Page 223, Multi-family - in the WCRAO multi-family is prohibited in NR sub-areas
- Page 224 - page 228 addresses duplicated use to clarify that only one of each permitted accessory use is allowed per principal use.

Page 243 - New kennel use - Limited Pet Boarding: Mr. Carpenter reiterated the Board's decision not to recommend which passed at the October 14, 2016 meeting (8 – 2). Mr. MacGillis responded that this is a Privately Initiated Amendment which the BCC directed Zoning to bring back.

Motion to approve the other items by Ms. Vinikoor, seconded by Mr. Carpenter. Motion passed (10 – 0).

e) Exhibit L – Recreation Uses

Ms. Cantor referred to Page 258, lines 32 – 33, Fitness Center – and noted a correction: "non" should be removed from "non-conforming".
Mr. Rodriguez highlighted lines 42 – 44, Golf Course, allow Type 2 variance from fence or netting.

Motion to approve by Mr. Carpenter, seconded by Mr. Peragine. Motion passed (10-0).

f) Exhibit M – Utility Uses

Mr. Rodriguez explained that on page 273 - Composting Facility clarifies which districts are allowed by right, and those where the use is allowed by Conditional Use approval; page 277 – Electric Transmission Substation clarifies that it shall not be collocated with neighborhood recreation facility for safety reasons, and page 280 Minor Utilities not subject to hours of operation as outlined in Article 5, Supp. Standards.

Motion to approve by Mr. Carpenter, seconded by Ms. Katz. Motion passed (10 – 0).

D. ADJOURN AS LDRAB AND CONVENE AS LDRC

1. Proof of Publication
   Motion to approve Proof of Publication by Ms. Vinikoor, seconded by Mr. Carpenter. Motion passed (10 – 0).

2. Consistency Determination
   a. See Exhibits B.1, C.1, a) to e) and C.2.a) through C.2.e), as well as the item on the add/delete sheet, Page 5, Equestrian Waste. Mr. Bryan Davis indicated consistency with the Plan.

   Motion to accept Planning's recommendation by Ms. Vinikoor, seconded by Mr. Carpenter. Motion passed (10 – 0).

E. ADJOURN AS LDRC AND RECONVENE AS LDRAB

F. PUBLIC COMMENTS

There were no Public Comments.

G. STAFF COMMENTS

Mr. Berger advised that a Moratorium on uses related to Medical Marijuana is being enacted and it is estimated that regulations will be adopted within a year, as it will be some months before we know what the State will do. Mr. Cross indicated that a link to the Zoning in Progress (ZIP) approved by the BCC could be found online. Mr. Cross added that the FPL PIA will be presented in January and he also advised that Ms. Joni Brinkman had resigned from the Board.

Ms. Cantor thanked the Board for their contribution to the Use Regulations Project over the past three years, and offered special thanks to sub-committee participants. The amendments under the project will go to the BCC on January 5 to Request Permission to Advertise for First Reading on January 26 and Adoption on February 26.

I. ADJOURN

The Land Development Regulation Advisory Board meeting adjourned at 4:30 p.m.

Recorded tapes of all LDRAB meeting are kept on file in the Palm Beach County Zoning/Code Revision office and can be requested by contacting the Code Revision Section at (561) 233-5213.

Minutes drafted by: _____ _____
Zona Case, Zoning Technician — Date

EXHIBIT B

FLORIDA POWER AND LIGHT (FPL)
COMMERCIAL COMMUNICATION TOWERS
PRIVATELY INITIATED AMENDMENT (PIA)
(Updated 11/22/16)

1

General Background and Summary:

The following amendments are based upon the Phase II PIA submitted by FPL in accordance with the March 24, 2016 BCC approval to initiate amendments to Communication Tower provisions for utility transmission poles and substations, as detailed in the following staff summary: http://discover.pbcgov.org/pzb/zoning/Hearings-Meetings-BCC/2016-03-17.pdf

Staff continues to concur that the collocation of cellular equipment with existing utility infrastructure will potentially mitigate the need for additional stand alone Communication Towers, while accommodating the continued need for expanded cellular resulting from ever increasing data usage by the general public.

However, while the Phase II PIA submittal addressed several of the staff recommendations related to the initial draft amendments, several issues remain resulting in the incorporation of the following staff recommended revisions:

- **Accessory Structures:** The FPL submittal did not include agreed upon provisions related to standards for any cellular equipment structures, which may located on adjacent properties, where Engineering or other entities might prohibit such equipment within a R-O-W. FPL representatives generally agreed with staff recommendations, listed below:
  - ✓ establishing provisions allowing such structures as a principal or collocated use;
  - ✓ discouraging placement in the middle or parking lots or in front of more prominent principal structures or uses in favor or locating adjacent to any required side or rear perimeter buffers; and,
  - ✓ clarifying that such improvements would be subject to all typical development standards, including but not limited to foundation planting, architectural standards (where applicable to the overall site), requirements for terminal islands, etc.

- **Approval Process:** Staff continues to recommend that approval processes be based on the percentage of height that the existing utility structures are increased by, versus simply establishing maximum height thresholds. Modifications to existing electrical utility infrastructure, emphasis on increased height, are necessary to establish safe operational or functional separations between electrical transmission lines or structures, and attached cellular equipment. Such modifications typically require larger diameter structures to support the increased height, equipment, or to meet hurricane wind load standards, etc.

  While a reasonable increase in height would have little visual impact where incorporated into existing utility infrastructure corridors or substations, the modifications should be commensurate and proportional to inter-related utility infrastructure (e.g. a 104 foot tall collocated Commercial Communication Tower may look out of place when installed in a row of 50 foot tall transmission poles). FPL representatives indicate that the targeted transmission corridors or substations typically utilize standardized infrastructure, which should result in a predictable expectation of what increased heights will be feasible. In either event, both the applicant and staff agree that once such structures exceed a certain height, BCC approval may be required.

- **Waivers:** With exception to structures proposed within a transmission corridor abutting most non-residential uses, staff continues to recommend that all Waivers from setbacks, emphasis on structures abutting residential communities, continue to require BCC approval.

- **Additional Revisions Necessary for Consistency with Use Regulations Project (URP):** Lastly, these amendments have been developed in anticipation of the formatting revisions to the Use Matrix established as part of the URP, tentatively scheduled for adoption in February of 2017. However, additional calibration is required for consistency with the URP Commercial Communication Towers update presented to the BCC on June 23, 2016, as outlined here: http://discover.pbcgov.org/pzb/zoning/Hearings-Meetings-BCC/2016-06-9.pdf. Hence, both the concept of the applicant's PIA amendments and other changes or calibrations to URP revisions will be formatted as double stricken in blue (e.g. ~~stricken~~) or where applicable, double underlined in blue (e.g. underline).

  A copy of the FPL PIA application and justification statement has been attached herein for comparison.

2
3

Notes:

- Underlined indicates new text.
- ~~Stricken~~ indicates text to be ~~deleted~~. If being relocated, or partially relocated, destination is noted in bolded brackets **[Relocated to:]** or **[Partially relocated to:]**.
- *Italicized* indicates relocated text. Source is noted in bolded brackets **[Relocated from:]**.
- **….** A series of four bolded ellipses indicates language omitted to save space.

Attachments – July 5, 2016 FPL Phase II Privately Initiated Application Submittal:

Attachment a – July 5, 2016 Phase II Application Letter
Attachment b - FPL Tech and Back-up Information dated (revised 10/28/15)
Attachment c-1 – FPL Phase II PIA Proposed Summary of Amendments
Attachment c-2 – FPL Phase II PIA Proposed Use Matrix
Attachment d - FPL Photos of Typical Substation Commercial Communication Towers
Attachment e - FPL Photos of Typical Transmission Line Commercial Communication Towers
Attachment f - FPL Illustration of Typical 66' (99') Transmission Pole
Attachment g - FPL Illustration of Typical 80' (104') Transmission Pole
Attachment h - FPL Illustration of Typical 80' (120') Transmission Pole
Attachment i-1 - October 25, 2015 FPL Cellular Coverage vs. Tower Height Analysis
Attachment i-2 - FPL Illustrations of Coverage Ranges

ULDC Amendments

Part 1. ULDC Art. 1.I.2.E, Definitions (pages 56 and 104 of 119), is hereby amended as follows:

Reason for amendments:
1. [Zoning] As summarized above, the applicant is proposing to delete Art. 4.C.3.C, Electrical Transmission Line Streets and replace with updated standards which will not be based on the term "Streets." Since a new definition was proposed as part of the Use Regulations Project (URP) reorganization, this will also need to be deleted.
2. [FPL] The proposed definition provides additional clarification to the types of utility infrastructure intended to be used for new Stealth or Full Array Electrical Communication Structures and Poles, when located within utility transmission corridors, including those within public rights of way.

ARTICLE 1 GENERAL PROVISIONS

CHAPTER I DEFINITIONS & ACRONYMS

Section 2 Definitions

....

S. **Terms defined herein or referenced in this Article shall have the following meanings:**

....

100. **Street -**

~~a.~~ a strip of land, owned privately or publicly, which affords legal access to abutting land and is designated for vehicular traffic. "Street" includes road, thoroughfare, parkway, avenue, boulevard, expressway, lane, throughway, place, and square, or however otherwise designated. Streets are further classified according to the function they perform.

~~b. For the purposes of Art. 4.B.9, Commercial Communication Towers, means Electric Transmission lines or Florida Department of Transportation I-95 and the Florida Turnpike corridors having 250 feet in width or more of right-of-way (R-O-W) or easements.~~

....

T. Terms defined herein or referenced Article shall have the following meanings:

....

59. **Transmission Pole** – for the purposes of Art. 4.B.9, Commercial Communication Towers, means electrical transmission poles supporting 69kV conductors or greater. This does not include distribution.

[Renumber accordingly]

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Notes:

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Part 2. ULDC Art. 2.D.1.G.1, Modifications to BCC or ZC Approvals (page 39-40 of 87), is hereby amended as follows:

Reason for Amendment: [Zoning] Expand Zoning authority to amend prior BCC or ZC Approvals to accommodate certain Stealth Commercial Communication Towers collocated with Electrical Transmission Lines and Substations – Structures and Poles. Staff recommends that additional flexibility be allowed for deminimus modifications or increases in height to existing utility infrastructure is allowed subject to Building Permit or Zoning Administrative Approval.

ARTICLE 2 DEVELOPMENT REVIEW PROCEDURES

CHAPTER D ADMINISTRATIVE PROCESS

Section 1 Development Review Officer (DRO)

G. Modifications to Prior Development Orders

1. Modifications to BCC or ZC Approvals

The DRO shall have the authority to approve modifications to a Development Order approved by the BCC or ZC. An application for an amendment shall be submitted in accordance with Article 2.A.1, Applicability, and reviewed in accordance with the standards in Article 2.D.1.C, Review Procedures. Applications must be submitted on deadlines established on the Zoning Calendar. The authority of the DRO to modify a BCC or ZC approved plan shall be limited to the following: **[Ord. 2008-003] [Ord. 2010-005] [Ord. 2010-022] [Ord. 2011-001]**

….

q. Add new or amend existing Commercial Communication Tower Transmission Poles or Substation Structures, and any associated Minor Utility, where allowed subject to DRO approval, or Permitted by Right.

Part 3. New ULDC Art. 4.B.9, Communication Towers, Commercial, is hereby established as follows:

Reason for Amendment:

1. [FPL] See applicant Justification Statement attached.
2. [Zoning] Calibrate 2016 URP amendments to incorporate proposed PIA deletion of existing standards for Electrical Transmission Line Streets. Note the applicants request inadvertently excluded the deletion of these existing did not include this requisite revision; however, the intent is clearly demonstrated in other amendment requests to related Supplemental Use Standards.
   The PIA proposed to establish
3. [Zoning] Noting that the proposed deletion of provisions limiting collocation on utility infrastructure to 250 foot wide “Electrical Transmission Line Streets” and replacement with more flexible standards for Electrical Transmission Corridors or Substations, staff continues to recommend alternatives to the applicant’s request to establish approval processes based solely on a maximum height, tower type and Zoning district. Staff’s position remains that in highly visible or residential locations, that deminimus modifications to existing utility infrastructure may be approved through an administrative approval process; however, significant modifications or height increases may be subject to the approval process for similar Commercial Communication Towers in the same districts, if permitted.
4.

CHAPTER ~~C~~B ~~COMMUNICATION TOWER, COMMERCIAL~~ USE CLASSIFICATION

Section 9 Commercial Communication Tower Uses

A. Commercial Communication Tower Use Matrix

Reason for amendment:

1. [FPL] Introduce newly proposed Stealth or Full Array tower types into the Use Matrix.
2. [Zoning] Amend FPL request to establish caps on maximum height allowed for each Tower type with exception to the Fully Array Rural, and resolve overlapping of min/max heights. The open ended heights specified is inconsistent with the premise that reasonable modifications to existing utility infrastructure is sufficient to accommodate collocated cellular equipment, and suggests that the utility use would be incidental or subordinate to the Commercial Communication Tower. Hence, staff recommends that proposals to collocate on structures that exceed the reasonable caps would only be permitted where allowed under an existing Commercial Communication Tower type.

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3. [Zoning] Amend FPL request to establish the most restrictive approval process in the Use Matrix for consistency with one of the primary tenets of the URP. As noted in the March 24, 2016 BCC Zoning Hearing staff report and the General Background and Summary above, staff recommends limiting maximum tower height allowed by administrative approval, to reasonable percentages that ensures such modifications are consistent with the scale and appearance of existing utility infrastructure. These exceptions to the approval processes in the Use Matrix will be spelled out under additional Supplementary Use Standards.
4. [Zoning] Staff recommends further calibrating the approval process for certain structures to more closely reflect the approval process for other tower types, based on Zoning district or proposed heights. This includes prohibiting certain types of Towers in certain districts, namely Residential districts, or those associated with Conservation or other similar uses.
5. [Zoning] Additionally, similar to other requests in the AGR Tier, staff does not recommend expanding Commercial Communication Tower uses into Planned Development District (PDD) or Traditional Development District (TDD) Preserve Areas at this time. Notwithstanding that there is at least one such tower, which predated the Tier or Preserve designation, there are a number of factors supporting this recommendation. Namely, the need to solicit and allow feedback from other more traditional cellular industry representatives, who would not be afforded similar opportunities in this zoning district. As outlined as part of the Use Regulations Project, this make take place as part of a more holistic future evaluation of development standard for Commercial Communication Towers. Additionally, noting the recent BCC Workshops related to the AGR Tier, any substantial changes necessitates ensuring that interested parties and property owners within the Tier are afforded similar opportunities to comment on the requested changes. This would likely include the development of standards to ensure that collocated cellular equipment would not adversely impact farming or other intended uses within the PDD Preserve Areas.

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EXHIBIT B

FLORIDA POWER AND LIGHT (FPL)
COMMERCIAL COMMUNICATION TOWERS
PRIVATELY INITIATED AMENDMENT (PIA)
(Updated 11/22/16)

TABLE 4.B.9.A –COMMERCIAL COMMUNICATION TOWERS MATRIX

STANDARD DISTRICTS

Tower Type	Supplementary Standards #	AG/CON PC	AG/CON AGR	AG/CON AP	RESIDENTIAL AR RSA	RESIDENTIAL AR USA	RE	RT	RS	RM	COMMERCIAL CN	CLO	CC	CHO	CG	CRE	URAO UC1	URAO UC2	URAO UC3	URAO UI1	URAO UI2	IRO FLU CL	IRO FLU CLO	IRO FLU CH	IRO FLU CHO	IND IL	IND IG	INST PO	INST IPF
Commercial Communication Towers																													
....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....
~~*FPL* Electrical Transmission Line ≥ 250' Streets~~		~~D~~	~~D~~	~~D~~	~~D~~	~~D~~	~~D~~	~~D~~	~~D~~	~~D~~	~~D~~	~~D~~	~~D~~	~~D~~	~~D~~	~~D~~	~~-~~	~~-~~	~~-~~	~~-~~	~~-~~	~~-~~	~~-~~	~~-~~	~~-~~	~~D~~	~~D~~	~~D~~	~~D~~
~~Florida Department of Transportation (*FDOT*) ≥ 250' Streets~~		~~D~~	~~D~~	~~D~~	~~D~~	~~D~~	~~D~~	~~D~~	~~D~~	~~D~~	~~D~~	~~D~~	~~D~~	~~D~~	~~D~~	~~D~~	~~-~~	~~-~~	~~-~~	~~-~~	~~-~~	~~-~~	~~-~~	~~-~~	~~-~~	~~D~~	~~D~~	~~D~~	~~D~~
Electrical Transmission Lines and Substations																													
Stealth ≤ 104'		P	D	P	D	D	D	D	D	D	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Stealth > 104' ≤ 125		P	D	D	A	A	A	A	A	A	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D
Stealth > 125 < 150		D	A	D	A	A	A	A	A	A	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B
Full Array Urban ≤ 80'		B	D	D	A	-	-	-	-	-	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	D	D	D	B
Full Array Urban > 80' ≤ 125'		B	B	D	A	-	-	-	-	-	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	D	D	D	B
Full Array Urban > 125' < 150		A	A	D	A	-	-	-	-	-	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	D	D	D	B
Full Array Rural ≤ 250'		A	A	D	A	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	A	A	A	A
Full Array Rural > 250'		A	A	B	A	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	A	A	A	A

PLANNED DEVELOPMENT DISTRICTS (PDDs) / TRADITIONAL DEV. DISTRICTS (TDDs)

Tower Type	PUD PODS ~~(1)~~ RES	PUD COM	PUD REC	PUD CIV	PUD AGR/P	MUPD FLU CL	MUPD CH	MUPD CLO	MUPD CHO	MUPD CR	MUPD IND	MUPD EDC	MUPD INST	MXPD FLU CH	MXPD CHO	PIPD PODS IND/L	PIPD COM	PIPD IND/G	MHPD	RVPD	LCC FLU CL	LCC CH	TND TIER U/S RES	U/S NC	U/S OSREC	EX/RURAL RES	EX/RURAL NC	EX/RURAL OSREC	TMD TIER US	TMD EXRURAL	AGR DEV	AGR PRES
Commercial Communication Towers																																
....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....
~~*FPL* Electrical Transmission Line ≥ 250' Streets~~	~~-~~	~~D~~ ~~A~~	~~D~~ ~~A~~	~~D~~ ~~A~~	~~-~~	~~D~~	~~D~~	~~-~~	~~-~~	~~-~~	~~D~~	~~D~~	~~D~~	~~D~~	~~D~~	~~D~~	~~D~~	~~D~~	~~D~~	~~D~~	~~-~~	~~-~~	~~-~~	~~D~~	~~-~~	~~-~~	~~D~~	~~-~~	~~-~~	~~-~~	~~-~~	~~-~~
~~Florida Department of Transportation (*FDOT*) ≥ 250' Streets~~	~~-~~	~~D~~	~~-~~	~~D~~	~~-~~	~~D~~	~~D~~	~~-~~	~~-~~	~~-~~	~~D~~	~~D~~	~~D~~	~~D~~	~~D~~	~~D~~	~~D~~	~~D~~	~~D~~	~~D~~	~~-~~	~~-~~	~~-~~	~~D~~	~~-~~	~~-~~	~~D~~	~~-~~	~~-~~	~~-~~	~~-~~	~~-~~
Electrical Transmission Lines and Substations																																
Stealth ≤ 104'	A	A	A	A	-	P	P	P	P	P	P	P	P	P	P	P	P	P	A	A	P	P	A	A	A	A	A	A	P	P	P	-
Stealth > 104' ≤ 125	A	A	A	A	-	D	D	D	D	D	D	D	D	D	D	D	D	D	A	A	D	D	A	A	A	A	A	A	D	D	D	-
Stealth > 125 < 150	A	A	A	A	-	B	B	B	B	B	B	D	B	B	B	B	B	B	A	A	B	B	A	A	A	A	A	A	B	B	B	-
Full Array Urban ≤ 80'	-	A	A	A	-	B	B	B	B	B	D	D	B	B	B	D	D	D	-	-	B	B	-	A	-	-	A	-	B	B	B	-
Full Array Urban > 80' ≤ 125'	-	A	A	A	-	B	B	B	B	B	D	D	B	B	B	D	D	D	-	-	B	B	-	A	-	-	A	-	B	B	B	-
Full Array Urban > 125' < 150	-	A	A	A	-	A	A	A	A	A	D	D	A	A	A	D	D	D	-	-	A	A	-	A	-	-	A	-	A	A	A	-
Full Array Rural ≤ 250'	-	-	-	-	-	-	-	-	-	-	A	A	-	-	-	A	-	A	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Full Array Rural > 250'	-	-	-	-	-	-	-	-	-	-	A	A	-	-	-	A	-	A	-	-	-	-	-	-	-	-	-	-	-	-	-	-

Ord. [

Use approval process key:

P	Permitted by Right	D	Subject to DRO Approval	A	Subject to BCC Approval (Class A Conditional Use)
S	Subject to Special Permit Approval	B	Subject to Zoning Commission Approval (Class B Conditional Use)	-	Prohibited use, unless stated otherwise within Supplementary Use Standards

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B. General Standards

….

Reason for Amendment:
1) [FPL] The FPL amendments include changes in how setbacks are measured from developed residential properties, which would be less than what currently applies to other similar Tower structures. Also expands on this to establish exceptions for certain non-residential uses. Additional requested revisions created blanket exemptions for setbacks from non-residential. *"Percentage of tower height with setback measured from nearest residential unit. When lot is vacant measurement is* (taken) *from the residential lot's adjacent nearest building setback line. Non-residential tracts such as canals, R/Ws, common areas shall no not be considered residential for purposes of measuring setbacks, Reductions in setback are subject to Article 4.C.3.K."*
2) [Zoning] As highlighted in the March 24, 2016 staff report, staff generally does not support the requested modifications to delete setback requirements and replace with separation requirements from residential structures only. However, staff does recognize the benefits of collocated Commercial Communication Towers with electric utility infrastructure, and recommends more flexible separations and setbacks for the proposed combination towers than would normally be required for standalone Commercial Communication Towers. This is achieved by establishing the minimum separation and setback requirements in the tables below, in combination with additional Supplementary Standards, which may allow for exceptions based on the uses and/or structures located on adjacent properties. The proposed exceptions can be found below under new Art. 4.B.9.D.1.e, Exceptions to Seperation and Setback Requirements. Note: Recognizing that most "Stealth" collocated Towers are generally more preferable to the more intrusive Full Array Towers, staff recommendations provide greater incentive to utilize the Stealth variant.

Table 4.B.9.B – Minimum *Separation and Setbacks for Towers Located in Residential* Zoning *Districts*

TOWER TYPE	Adjacent to	*AGR*	*AR/ RSA*	*AR/ USA*	*RE*	*RT*	*RS*	*RM*	*PUD*	*RVPD*	*MHPD*	*TND*
….	….	….										
Stealth (3)	Residential Existing (1) or Vacant (2)	150% of tower height for separation, and 100% of tower height for setback from property line.										
	Non Residential	20% of tower height or zoning district setback whichever is greater.										
Full Array Urban ≤ 80' (3)	Residential Existing (1) or Vacant (2)	150% of tower height for separation, and 100% of tower height for setback from property line.										
	Non Residential	20% of tower height or zoning district setback whichever is greater.										
Full Array Urban >80' > 150' (3)	Residential Existing (1) or Vacant (2)	600% of tower height for separation, and 100% of tower height for setback from property line.										
	Non Residential and Public R-O-W	20% of tower height or zoning district setback whichever is greater.										
Full Array Rural (3)	Residential Existing (1) or Vacant (2)	600% of tower height for separation, and 150% of tower height for setback from property line.										
	Non Residential and Public R-O-W	20% of tower height or zoning district setback whichever is greater.										
~~Electric Transmission Line FPL~~		*Height, tower type, and setbacks limited as provided in* ~~this~~ ~~section~~ Art. 4.B.9, Commercial Communication Towers										
FDOT												
[Ord. 2005-002]												
Notes:												
(1) Maximum height subject to the specific requirements contained in the Supplementary Use Standards.												
(2) Applicable to any tower height.												
(3) Exceptions to minimum setbacks or separations may be allowed in accordance with 4.B.9.D.1.e, Setback Exceptions.												

Notes:

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1 ….

Table 4.B.9.B – ***Minimum Separation and Setbacks for Towers Located in Non-Residential Zoning Districts***

TOWER TYPE	Adjacent to	PC	AP	CN	CLO	CC	CHO	CG	CRE	UC	UI	IRO	IL	IG	IPF	PO	MUPD	MXPD	PIPD	LCC
….	….	….																		
Stealth (3)	Residential Existing (1) or Vacant (2)	150% of tower height for separation, and 100% of tower height for setback from property line.																		
	Non Residential	20% of tower height or zoning district setback whichever is greater.																		
Full Array Urban ≤ 80' (3)	Residential Existing (1) or Vacant (2)	150% of tower height for separation, and 100% of tower height for setback from property line.																		
	Non Residential	20% of tower height or zoning district setback whichever is greater.																		
Full Array Urban >80' > 150' (3)	Residential Existing (1) or Vacant (2)	600% of tower height for separation, and 100% of tower height for setback from property line.																		
	Non Residential and Public R-O-W	20% of tower height or zoning district setback whichever is greater.																		
Full Array Rural (3)	Residential Existing (1) or Vacant (2)	600% of tower height for separation, and 150% of tower height for setback from property line.																		
	Non Residential and Public R-O-W	20% of tower height or zoning district setback whichever is greater.																		
~~Electric Transmission Line FPL~~	~~Residential~~	~~150' setback from abutting residential property line~~																		
	~~Non-residential~~	~~100' setback from abutting non-residential property line~~																		
FDOT	Residential	150' setback from abutting residential property line																		
	Non-residential	75' setback from abutting non-residential property line																		
[Ord. 2015-006]																				
Notes:																				
(1)	Maximum height subject to the specific requirements contained in the Supplementary Use Standards.																			
(2)	Applicable to any tower height																			
(3)	Exceptions to minimum setbacks or separations may be allowed in accordance with 4.B.9.D.1.e, Setback Exceptions.																			
%	Separation or setback as a percentage of tower height																			

2

Reason for Amendment: [Zoning] Calibrate with concurrent URP amendments.

3

Table 4.B.9.B - Distances Between Towers

~~ZONING DISTRICT~~ Tower Type	Zoning District							
	AGR, ~~AR less than 10 acres~~, PC, and parcels less than 10 acres in AR	*CC, CHO, CLO, CN, RE, RM, RS, RT, TND - NC*	PUD: Commercial and Recreation pods. UC, UI *CG, CRE, MUPD*; CL and CH FLU. MXPD, LCC, TND OSREC	*Pparcels less than 10 acres in: AP, IG, IL, PIPD*	*Pparcels 10 or more acres in: AP, AR, IG, IL, PIPD*	*PO*	PUD:Civic pod, MUPD: INST FLU, ~~Public Civic Sites~~ *IPF*	Electrical Transmission Lines and Substations - ~~Structures and Poles~~ ~~*FPL Trans. R-O-Ws*~~ *and FDOT R-O-Ws*
….	….	….	….	….	….	….	….	….

4 **[Relocated from Art. 4.C.4.D, Distance/Separation Between Towers]**

5 ….

6

Reason for amendments:

1. [FPL] Art. 4.C.3.C, Electrical Transmission Line Streets, will be completely replaced with the new proposed text amendments.
2. [Zoning] Staff recommends deletion of the existing provisions for Electrical Transmission Streets, if only for the title reference to "Streets", but primarily due to the limitation *"…located in streets a minimum of 250 feet in width"*, where few if any such facilities exist in locations where additional cellular coverage is desired.

7

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C. Definitions and Supplementary Tower Standards

….

D. Collocation in ~~Streets~~ R-O-W or Electrical Transmission Lines and Substations

~~C1. *Electrical Transmission Line Streets*~~

~~*Communication towers, antennas, and related facilities may be located in such streets as provided herein.* **[Relocated from Art. 4.C.3.C, Electrical Transmission Line Street]**~~

~~1a. *Transmission Poles*~~

~~*Antennas attached to existing electrical transmission poles shall not be required to obtain building permits. Building permits are required for accessory structures, such as equipment cabinets, constructed to support* such antennas or panels. ~~*Height increases to transmission poles to allow antenna attachment shall be subject to the provisions of this Section.* **[Relocated from Art. 4.C.3.C.1, Transmission Poles]**~~

~~Reason for amendments:~~ ~~[Zoning]~~	
~~92.~~	~~Update reference of the table number and title that contains the approval process of Commercial Communication Towers to reflect the changes in this exhibit.~~
~~93.~~	~~Delete standard that allows approval of combined transmission/communication structures in Electrical Transmission Line street located in PUD to Class A Conditional Use. The Use Matrix has been amended to reflect that approval.~~

~~2b. *Combined Transmission/Communication Structures*~~

~~*Combined transmission/communication structures may be installed in an electrical transmission streets as provided in Table* 4.C.3.I, Residential District Tower Location and Type of Review, and Table 4.C.3.I, Non-Residential District Tower Location and Type of Review 4.B.9.A, Commercial Communication Towers Matrix, *and subject to the following requirements.* **[Relocated from Art. 4.C.3.C.2, Combined Transmission/Communication Structures]**~~

~~a1) *Structures installed in transmission line streets with a residential Plan and Zoning designation shall* be: **[Relocated from Art. 4.C.3.C.2.a.]**~~

~~1a) *Be located in streets a minimum of 250 feet in width;* **[Relocated from Art. 4.C.3.C.2.a.1)]**~~

~~2b) *Be limited to combination structures which are similar to monopole towers;* **[Relocated from Art. 4.C.3.C.2.a.2)]**~~

~~3c) Not exceed No more than *100 feet in height, however the height may be increased to a maximum of 125 feet if an additional provider is accommodated, and proof of collocation is provided in a form acceptable to the County Attorney and the Zoning Director;* **[Relocated from Art. 4.C.3.C.2.a.3)]**~~

~~4d) *Be setback a minimum 150 feet from any property line possessing a residential designation;* and. **[Relocated from Art. 4.C.3.C.2.a.4)]**~~

~~5) Not be located within a PUD unless approved by the BCC as a Class A conditional use; and **[Relocated to Table 4.B.9.A, Commercial Communication Tower Matrix]**~~

~~6e) *Require review as provided in Table* 4.C.3.I, Residential District Tower Location and Type of Review, and Table 4.C.3.I, Non-Residential District Tower Location and Type of Review 4.B.9.A, Commercial Communication Towers Matrix. **[Relocated from Art. 4.C.3.C.2.a.6)]**~~

~~b2) *Transmission lines streets in areas with a nonresidential Plan and Zoning designation shall* be: **[Relocated from Art. 4.C.3.C.2.b.]**~~

~~1a) *Be located in streets a minimum of 250 feet in width;* **[Relocated from Art. 4.C.3.C.2.b.1)]**~~

~~2b) *Be limited to combination structures which are similar to Monopole Towers or Self Support/*Lattice *Towers; not exceed 300 feet in height;* **[Relocated from Art. 4.C.3.C.2.b.2)]**~~

~~3c) *Be setback a minimum of 200 feet from any property line possessing a nonresidential designation; and* **[Relocated from Art. 4.C.3.C.2.b.3)]**~~

~~4d) *Be setback a minimum of 100 feet from any property line possessing a nonresidential designation; and,* **[Relocated from Art. 4.C.3.C.2.b.4)]**~~

~~5e) *Require review as provided in Table* 4.C.3.I, Residential District Tower Location and Type of Review, and Table 4.C.3.I, Non-Residential District Tower Location and Type of Review 4.B.9.A, Commercial Communication Towers Matrix. **[Relocated from Art. 4.C.3.C.2.b.5)]**~~

~~3c. *Separation of New Combined Transmission/Communication Structures*~~

~~*New Combined Transmission Communication Structures shall be subject to the* standards as *provided in Table* 4.C.4.D 4.B.9.B, Separation/*Distances Between Towers.*~~

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~~**[Relocated from Art. 4.C.3.C.3, Separation of New Combined Transmission/Communication Structures]**~~

Reason for amendments:
1. [FPL] Article 4.C.3.C, Electrical Communication Transmission Lines and Substations – Structures and Poles, is hereby established. See applicant Justification Statement attached.
2. [Zoning] Staff recommends simplifying the proposed title. Including the term "Communication" in the title is redundant to the Chapter in which these standards are located, or inadvertently suggests that the accommodation allowing for collocation on modified Structures or Poles might be applied more broadly. Staff further recommends additional clarification to ensure that these provisions are limited to cellular equipment collocated on applicable structures or poles, to ensure that height or modifications are appropriately regulated as intended.

1. Electrical Transmission Lines and Substations

Antennas and other wireless equipment may be attached to existing or modified Transmission Poles or utility structures within an Electric Distribution or Transmission Substation, subject to the following:

a. Stealth Electrical Communication Structures and Poles

1) Definition

A Transmission Pole, or structure within an Electric Distribution Substation or Electric Transmission Substation, supporting collocated wireless attachments, which is not readily identifiable as a tower. Stealth structures are limited to canister-type antenna design.

b. Full Array Electrical Communication Structures and Poles

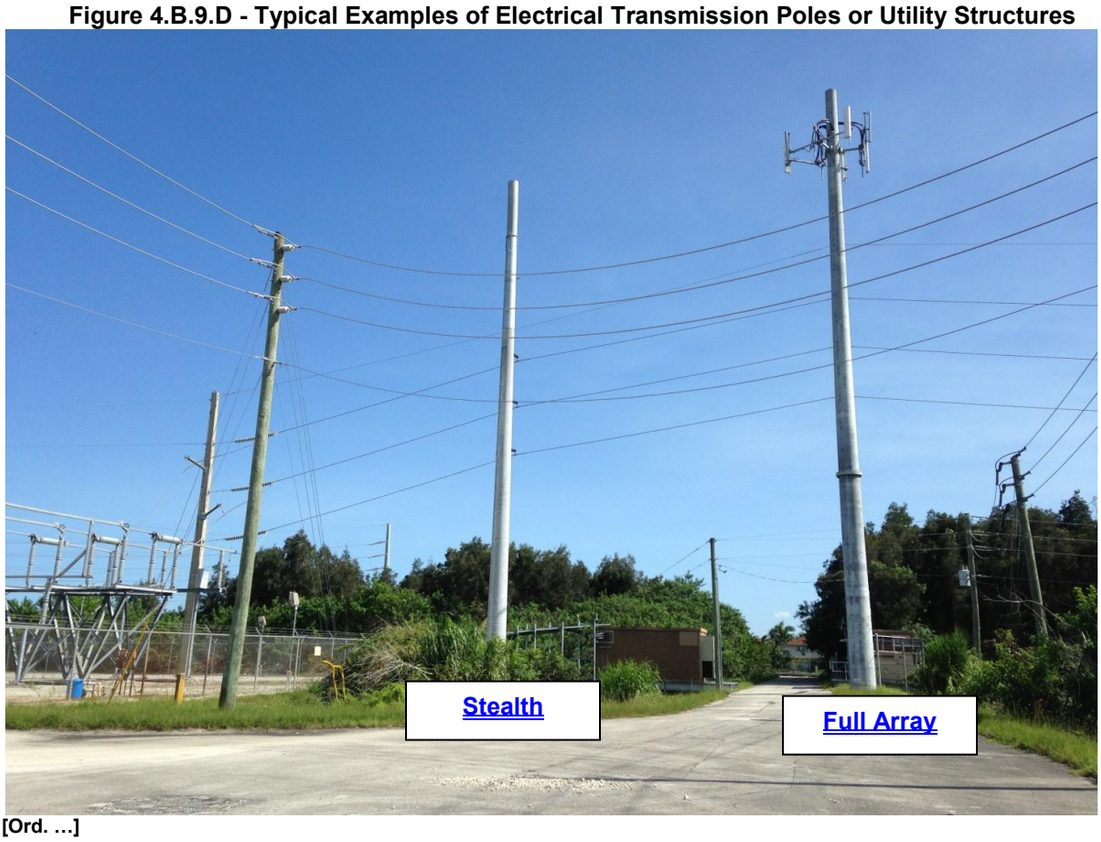
1) Definition

A Transmission Pole, or structure within an Electric Distribution Substation or Electric Transmission Substation, supporting collocated wireless attachments, which are visible and readily identifiable as a Commercial Communication Tower.

c. Typical Structures

Typical structures include Transmission Poles within utility transmission corridors or substations, or other similar electrical transmission infrastructure located within substations such as lighting masts or backup transformer connection poles.

Figure 4.B.9.D - Typical Examples of Electrical Transmission Poles or Utility Structures



[Ord. …]

d. Modifications to Transmission Poles or Utility Structures

Notes:

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Height increases to Transmission Poles and other Substation structures may be allowed to accommodate antenna attachments. Modified replacement poles or utility structures may be permitted to the extent required to meet structural or Building Code requirements due to increased wind load from height increases or attachments, provided that modifications generally appear to be of a similar dimensions and appearance to existing or adjacent poles or structures.

1) **Application Requirements**
Applications for Stealth or Full Array Electrical Transmission Poles or Utility Structures shall include a detailed analysis and supporting documentation establishing the original dimensions, including height or any other structural characteristics, that the proposed modifications are based on.

2) **Determination of Original Pole or Structure Dimensions**
The final determination of the original dimensions specified in an application shall be decided by the DRO in consultation with the Building Official, or the Building Official where Permitted by Right.

e. Approval Process
Exceptions to the approval processes for modification to Electric Transmission Poles or Utility Structures specified in Table 4.B.9.A, Commercial Communication Towers, Stealth Transmission Poles or Utility Structures, may be allowed as follows:

1) **Stealth**

a) **Subject to DRO Approval**
May be Permitted by Right provided the increase in height is either:
(1) less than 35 percent, or
(2) 50 percent and the Tower is located a minimum of 2,500 feet from a Public Street or parcel with a residential FLU designation or use.

b) **Subject to Class A or Class B Conditional Use Approval**
May be allowed subject to DRO approval provided the increase in height is either:
(1) less than 35 percent, or
(2) 50 percent and the Tower is located a minimum of 2,500 feet from a Public Street or parcel with a residential FLU designation or use.

2) **Full Array Urban**

a) **Subject to DRO Approval**
May be Permitted by Right where allowed in Agricultural, Commercial, Industrial , or Institutional zoning districts, provided the increase in height is:
(1) less than 35 percent, and
(2) the Tower is located a minimum of 2,500 feet from a Public Street or any parcel with a residential FLU designation or use.

b) **Subject to Class A or Class B Conditional Use Approval**
May be allowed subject to DRO approval, where allowed in Agricultural, Commercial, Industrial or Institutional zoning districts, provided the increase in height is either:
(1) less than 35 percent, or
(2) 50 percent and the Tower is located a minimum of 2,500 feet from any Public Street, or parcel with a residential FLU designation or use.

c) **Residential Districts including Residential Pod of PUD**
May be allowed to be collocated within a Transmission or Distribution Substation subject to Class A Conditional Use approval.

3) **Full Array Rural**

a) **Subject to DRO Approval**
May Permitted by Right where allowed in Agricultural, Commercial, Industrial or Institutional Zoning districts, subject to the following:
(1) the increase in height is less than 50 percent,
(2) located a minimum of:
(a) 2,500 feet from any Public Street,
(b) 1 mile from any Arterial or Collector, and
(c) parcel with a residential FLU designation or use.

b) **Subject to Class A or Class B Conditional Use Approval**
May be allowed subject to DRO approval, where allowed in Agricultural, Commercial, Industrial or Institutional Zoning districts, provided the increase in height is less than 50 percent, and the Tower is located a minimum of 2,500 feet from any Public Street, and 1 mile from any Arterial or Collector or parcel with a residential FLU designation or use.

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Reason for Amendment:
1) [FPL] The FPL proposal includes a change in how setbacks are measured from developed residential properties, which would be less than what currently applies to other similar Tower structures. Also expands on this to establish exceptions for certain non-residential uses. Additional requested revisions created blanket exemptions for setbacks from non-residential. *"Percentage of tower height with setback measured from nearest residential unit. When lot is vacant measurement is from the residential lot's adjacent nearest building setback line. Non-residential tracts such as canals, R/Ws, common areas shall no not be considered residential for purposes of measuring setbacks, Reductions in setback are subject to Article 4.C.3.K."*
2) [Zoning] As previously highlighted in the Phase I PIA Staff report (see link above), staff does not support revising how setbacks are measured from residential property lines, nor blanket exemptions from setbacks from non-residential parcels. However, staff does support the concept of developed alternative exceptions, due to use of existing utility infrastructure to accommodate collocated cellular equipment, as follows: ▪ establish a deminimus exception for minor modifications to Stealth towers or scenarios where the adjacent parcel is included within the Development Order for the Tower. This would include non-residential uses, and potentially residential properties where collocated Minor Utility may be permitted. This first scenario recognizes that the eligible utility structures are typically exempt from local land development regulations, while the latter recognizes that inclusion within the Development Order is similar to as if the tower were constructed on the adjacent site (note – this may include common areas under control by an HOA or COA, but would not include separate fee simple residential, or residential structures; and, ▪ expand upon the proposed exception related to non-residential uses by clarifying the need for protecting common areas around recreational or institutional uses.

e. Exceptions to Seperation and Setback Requirements
The following exceptions may be allowed from the minimum separation or setbacks established in Art. 4.B.9.B.2, Separation and Setbacks:

1) General Exceptions

a) Stealth
Modifications to Stealth Transmission Poles or Electric Distribution or Transmission Substation utility structures that do not exceed 35 percent of the height of the original Pole or structure.

b) R-O-W with Collocated Minor Utility on Adjacent Parcel
Setbacks from adjacent parcels that are included in the Development Order for the purposes of providing for a supporting Collocated Minor Utility (excluding separations from residential or occupied buildings).

c) Adjacent Properties with Bona-fide Agriculture Uses
Parcels with an Agricultural FLU designation and zoning district, supporting Bona-fide Agriculture, provided that separation distances from occupied structures are a minimum of 150 percent of the Tower height.

2) Towers Located on Residential Parcels
Measurement may exclude Open Space areas designated on an approved Plan for non-residential uses such as water management tracks or landscape buffers, but excluding any common areas located within 50 feet of a Recreation Amenity or Public or Civic use such as Daycares, Schools, or Places of Assembly, including any outdoor recreation areas.

Reason for amendment: [Zoning] As recommended in the original Phase I PIA, the following establishes basic standards, to ensure that modified Transmission Poles maintain the general appearance of the original utility use. Note also, that this precludes the placement of "backpack" cellular equipment, unless pre-empted by Federal or State law. Many South Florida jurisdictions have adopted moratoriums or otherwise prohibit or regulate the placement of this type of cellular support infrastructure, due to complaints from residents. Hence, additional prohibitions are added to ensure that usual and customary equipment sheds are limited to Arterial or Collector streets.

f. Other Attachments or Structures
Additional wireless support attachments or structures other than that permitted at the top of the structure or pole, may be allowed subject to the following:

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1) Transmission Corridors

a) Attachments

Attachments must be concealed within the pole or structure. External attachments such as, electrical or mechanical boxes or backpacks, excluding a utility meter, electrical cabling, platforms or other similar modifications shall be prohibited, unless allowed otherwise herein.

b) Equipment Boxes

Equipment boxes may be allowed within an Arterial or Planned Collector Street, subject to approval by the County Engineer.

c) Equipment Shelters

Equipment shelters supporting collocated cellular equipment placed on Electrical Transmission Lines, may be allowed to be located on an adjacent parcel, subject to compliance with the following:

(1) Minor Utility

May be allowed in accordance with the districts, approval process and any other development standards for a Minor Utility.

(2) Developed Parcels

Where a Minor Utility is collocated with another use, the Minor Utility shall be prohibited within the front or side street yard, unless abutting a perimeter buffer. In either scenario, the Minor Utility shall not adversely impact interior site design or function, including but not limited: to pedestrian or vehicular circulation, landscaping, or commonly recognized CPTED standards.

g. FDO Requirements

Prior to the issuance of a Building Permit, the applicant shall supply a letter from FDO demonstrating no anticipated impact to the usual and customary transmission or reception operability of public safety communication systems. This letter shall be based upon information supplied to FDO by the applicant identifying the latitudinal and longitudinal coordinates of the proposed wireless communication equipment, the proposed RF spectrum of operations, and any further technical information deemed necessary by FDO in order to render a technical conclusion. Any costs incurred by FDO for an independent third party to provide technical assistance in rendering a conclusion, as determined by FDO in its sole and absolute discretion and authorized in advance by the applicant, shall be the responsibility of the applicant regardless of permit issuance, failure to obtain a permit or withdrawal.

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Our Client No: 11490.00065
Writer's Direct No.: (561) 650-0719
Writer's E-mail Address: jlong@gunster.com

July 5, 2016

Mr. Jon MacGillis
Palm Beach County Zoning Director
2300 North Jog Road
West Palm Beach, Florida 33411

Re: Privately Initiated Amendment (PIA) Phase II
Communication Towers, Commercial – FPL

Dear Jon:

It is our pleasure to submit on behalf of our client, Florida Power and Light (FPL) a Text Amendment to the Unified Land Development Code for Communication Towers, Commercial. It is common knowledge that Florida Power and Light owns and operates thousands of miles of transmission lines throughout the State of Florida. In Palm Beach County alone there are thousands of power poles which are connected to transmission lines and substations throughout the County. The proposed Text Amendment would provide Florida Power and Light with clear direction on placing wireless attachments (including cellular antennas) on their existing infrastructure including substation structures and transmission lines. There is a rapidly increasing demand for greater bandwidth and capacity due to an exponential increase in data usage amongst cell phone users using such devices as "smart phones" and tablets. As a result, this has put an incredible burden on the existing cell phone tower network, requiring new emergent technologies (such as 5G) in order to keep up with these increasing demands.

Communication tower locations within urban areas have always been law-difficult issues for local governments. Governing agencies recognize the importance that cell phone towers play for local residences and businesses; however, balance between strong availability and independent cell phone coverage, mixed with aesthetics for the community, has been a persistent challenge for governments. Strong cell phone coverage is essential in areas where people live and work. These built environments have been developed in accordance with specific rules and regulations for height, setbacks and aesthetics. Placing a new standalone tower within an area which does not have any existing tall structures is the dilemma for local governing agencies. The Unified Land Development Code provides the regulations for cell phone towers within unincorporated Palm Beach County.

The built environment consists of several elements, including buildings, landscaping, and signage. One element which exists within the built environment are utilities, such as transmission poles and substations which assist in supplying power to its users, both residential and non-residential. The generation, transmission and distribution of electricity has been part of each community's built environment for a very long time. As a result, communities, residents, business owners, visitors and tourists have generally accepted these utility poles and wires as part of their built environment and everyday life.

The text amendment submitted provides solutions for these difficult issues within Palm Beach County. The text amendment provides clear regulations supporting wireless attachments on existing Florida Power and Light utilities and infrastructure such as transmission and substation structures. Specifically, the text amendment incorporates several different situations in substations, transmission corridors and road right-of-ways in Palm Beach County where wireless attachments can be supported. It is recognized that structures with wireless attachments within a substation surrounded by single-family homes would be treated differently than structures in open and undeveloped fields. The proposed text amendments address these situations and provide clear direction to Florida Power and Light in the attachment of wireless devices to their existing utility structures throughout Palm Beach County. The use of FPL's existing infrastructure for wireless attachments supports compatibility with the surrounding environment while reducing the need for standalone wireless / cellular sites in areas where increasing cellular use must be addressed. A technical appendix has been included with this submittal which addresses the details and operational aspects associated with the requested cell tower heights.

The proposed text amendment does not include language for screening/siting for ground mounted equipment. We acknowledge that language is required and we will work with staff to create the required language.

If you have any questions or need additional information, please do not hesitate to contact me any time at (561) 650-0719.

Best regards,

Joshua I. Long, AICP

JIL/op

Encls:

Cc: Bruce Barber, FPL FiberNet
Mike Tammaro, Esq, FPL

FPL Tech and Back-up Info
(rev 10/28/15)

(1) REQUIREMENT TO REPLACE EXISTING TRANSMISSION /SUBSTATION POLE WITH NEW:
FPL has stringent structural requirements and electrical standards for its transmission poles and substation structures in order to maintain a reliable electrical system for its customers. As a result, in most cases, the existing pole or structure would need to be replaced with a larger pole in order to support the attachment of wireless antennas and sometimes the equipment at the base of the pole. The pole height would also need to be increased to create a "Separation Zone" between FPL and Carrier attachments (often 10' or greater from FPL's grounding wire). This area includes attachment devices such as flanges, is a buffer to reduce electrical interference, maintains separation from the transmission lines / ground wire, and increases safety for both utility and wireless maintenance. FPL also requires, in most situations, that the cables connecting the antennas with the base equipment, are routed through the inside of the pole for purposes of reliability, safety and aesthetics. The replacement utility poles that support wireless attachments have both an increased diameter and custom port holes at the top and bottom of the pole to support this. (see attached conceptual pole elevation details)

(2) REQUIREMENT TO INCREASE EXISTING POLE HEIGHT MORE THAN 15% ABOVE EXISTING:
A taller pole / antenna increases coverage over a larger area, therefore reducing the number of cell towers in that area. This can be demonstrated in the attached exhibit titled, "Antenna Height vs. Coverage Area". According to the cellular coverage map, an 85' antenna / pole height would require more than twice the number of additional cell towers than a 105' pole. This 20' difference in height has minimal visual impact from the ground (surrounding uses), which is minimized further due to the fact that these transmission and substation poles, lines and structures are existing. The proposed setbacks and separation distances from residential uses adequately address the different situations in rural vs. higher density residential areas. The pole and structure heights reflected in these proposed amendments have been accepted all over Florida in over a hundred locations and are compatible with most surrounding uses. As a result BCC review would only be necessary in select cases. (see attached exhibit – "Antenna Height vs Coverage Area")

(3) OFF-SITE EQUIPMENT:
Off-site ground equipment shall not interfere with the site's circulation, property development regulations and function and shall comply with all development regulations associated with this equipment.

EXHIBIT X

FLORIDA POWER AND LIGHT (FPL)
COMMERCIAL COMMUNICATION TOWERS
PRIVATELY INITIATED AMENDMENT (PIA)
(Updated 06/17/16)

Part 1. ULDC Art. 1.I.2.E, Definitions (pages 56 and 104 of 119), is hereby amended as follows:

Reason for amendments: [FPL] The proposed new definitions are established to provide additional guidance and support for the proposed "Electrical Communication Structures and Poles – Transmission Lines and Substations" text amendments.

CHAPTER I DEFINITIONS & ACRONYMS

Section 2 Definitions

E. Terms defined herein or referenced Article shall have the following meanings:

….

14. **Electrical Communication Structures and Poles, Stealth** - for the purposes of Art. 4, a transmission pole or substation structure supporting wireless attachments (ie. antennas) which is not readily identifiable as a tower. Stealth structures are limited to canister-type antenna design.
15. **Electrical Communication Structures and Poles, Full Array** - for the purposes of Art. 4, a transmission pole or substation structure supporting wireless attachments (ie. antennas) which are visible. Full Array structures have no limit to the amount of protrusion away from the pole.

[Renumber accordingly]

T. Terms defined herein or referenced Article shall have the following meanings:

….

59. **Transmission Poles** – Support 69kV conductors or greater. This does not include distribution.

[Renumber accordingly]

Part 2. ULDC Art. 4.C.3.C, Electrical Transmission Line Streets (page 115 of 171), is hereby deleted, as follows:

Reason for amendments: [FPL] Art. 4.C.3.C, Electrical Transmission Line Streets, will be completely replaced with the new proposed text amendments. For brevity a strike through of the entire section was not included.

CHAPTER C COMMUNICATION TOWER, COMMERCIAL

Section 3 Siting Requirements

~~**1. Transmission Poles**~~

~~Antennas attached to existing electrical transmission poles shall not be required to obtain building permits. Building permits are required for accessory structures, such as equipment cabinets, constructed to support such antennas or panels. Height increases to transmission poles to allow antenna attachment shall be subject to the provisions of this Section~~

~~**2. Combined Transmission/Communication Structures**~~

~~Combined transmission/communication structures may be installed in an electrical transmission streets as provided in Table 4.C.3.I, Residential District Tower Location and Type of Review, and Table 4.C.3.I, Non-Residential District Tower Location and Type of Review, and subject to the following requirements.~~

~~a. Structures installed in transmission line streets with a residential Plan and Zoning designation shall:~~

~~1) be located in streets a minimum of 250 feet in width;~~
~~2) be limited to combination structures which are similar to monopole towers;~~
~~3) not exceed 100 feet in height, however the height may be increased to a maximum of 125 feet if an additional provider is accommodated, and proof of collocation is provided in a form acceptable to the County Attorney and the Zoning Director;~~
~~4) be setback a minimum 150 feet from any property line possessing a residential designation;~~
~~5) not be located within a PUD unless approved by the BCC as a Class A conditional use; and~~

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~~6) require review as provided in Table 4.C.3.I, Residential District Tower Location and Type of Review, and Table 4.C.3.I, Non-Residential District Tower Location and Type of Review.~~

~~b. Transmission lines streets in areas with a nonresidential Plan and Zoning designation shall:~~

~~1) be located in streets a minimum of 250 feet in width;~~

~~2) be limited to combination structures which are similar to monopole towers or self support towers; not exceed 300 feet in height;~~

~~3) be setback a minimum of 200 feet from any property line possessing a nonresidential designation; and~~

~~4) be setback a minimum of 100 feet from any property line possessing a nonresidential designation; and~~

~~5) require review as provided in Table 4.C.3.I, Residential District Tower Location and Type of Review, and Table 4.C.3.I, Non-Residential District Tower Location and Type of Review.~~

~~**3. Separation of New Combined Transmission/Communication Structures**~~

~~New Combined Transmission Communication Structures shall be subject to the as provided in Table 4.C.4.D, Separations/Distances Between Towers.~~

Part 3. **New ULDC Art. 4.C.3.C, Electrical Communication Structures and Poles – Transmission Lines and Substations (page 115 of 171), is hereby established, as follows:**

Reason for amendments: Article 4.C.3.C, Electrical Communication Structures and Poles – Transmission Lines and Substations, is hereby established.

CHAPTER C COMMUNICATION TOWER, COMMERCIAL

Section 3 Siting Requirements

C. Electrical Communication Structures and Poles, Transmission Lines and Substations

Electrical communication structures and poles may be located in such transmission corridors, road R/W or electrical substations as provided herein.

1. Transmission and Substation Communication Structures and Poles:

Antennas & other wireless equipment shall be attached to an existing transmission or substation structure or on a replacement pole or structure of similar thickness to the existing or adjacent poles or structures in the immediate area or within the substation parcel. Ground equipment may be located on an adjacent/contiguous lot, when the associated transmission pole is located within a road R/W, provided that the adjacent lot is not zoned residential. Permits are required for accessory structures, such as equipment cabinets, shelters and support platforms for antennas and equipment. Height increases to transmission and substation poles and structures to accommodate antenna attachments, setbacks and separations shall be subject to the provisions of this Section.

a. Transmission Communication Structures and Poles, unless otherwise provided herein, are permitted in any zoning district and require review as provided in Table 4.C.3.I. Residential District Tower Location and Type of Review, and Table 4.C.3.I. Non-Residential District Tower Location and Type of Review.

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Table 4.3.C.A. – Transmission Communication Structures & Poles

Electrical Communication Structures and Poles	Maximum Height	Minimum Setback
Stealth	104'[1]	100%'[2]
Full Array (Urban)	80' [1]	100'%[2]
Full Array (Rural)	250'[1]	150%'[2]
Notes:		
1. May be increased subject to Article 4.C.3.K 2. % of tower height with setback measured from nearest residential unit, When lot is vacant measurement is from the residential lot's adjacent nearest building setback line. Non-residential tracts such as canals, R/Ws, common areas shall no not be considered residential for purposes of measuring setbacks, Reductions in setback are subject to Article 4.C.3.K.		

b. Substation Communication Structures and Poles, unless otherwise provided herein, are permitted in any zoning district and require review as provided in Table 4.C.3.I. Residential District Tower Location and Type of Review, and Table 4.C.3.I. Non-Residential District Tower Location and Type of Review.

Table 4.C.3.B. – Substation Communication Structures & Poles

Electrical Communication Structures	Maximum Height	Minimum Setback
Stealth	104' [1]	100%[2]
Full Array (Urban)	80' [1]	100%[2]
Full Array (Rural)	250'[1]	150%[2]
Notes:		
1. May be increased subject to Article 4.C.3.K. 2. % of tower height with setback measured from nearest residential unit, When lot is vacant measurement is from the residential lot's nearest building setback line. Non-residential tracts such as canals, R/Ws, common areas shall no not be considered residential for purposes of measuring setbacks, Reductions in setback are subject to Article 4.C.3.K.		

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EXHIBIT X

FLORIDA POWER AND LIGHT (FPL)
COMMERCIAL COMMUNICATION TOWERS
PRIVATELY INITIATED AMENDMENT (PIA)
(Updated 06/17/16)

Part 4. ULDC Table 4.C.3.I, Residential District Tower Location and Type of Review (page 118 of 171), is hereby amended as follows:

Reason for amendments: The approval process for Electrical Communication Structures and Poles, Transmission Lines and Substations within Residential Districts is hereby set forth:

Table 4.C.3.I – Residential District Tower Location and Type of Review
SEE COMMUNICATION STRUCTURE HIERARCHY

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EXHIBIT X

FLORIDA POWER AND LIGHT (FPL)
COMMERCIAL COMMUNICATION TOWERS
PRIVATELY INITIATED AMENDMENT (PIA)
(Updated 06/17/16)

Part 5. ULDC Table 4.C.3.I, Non-Residential Districts, Tower Location, and Type of Review, (page 119 of 171), is hereby amended as follows:

Reason for amendments: The approval process for Electrical Communication Structures and Poles, Transmission Lines and Substations within Non-Residential Districts is hereby set forth:

Table 4.C.3.I - Non-Residential Districts, Tower Location, and Type of Review
SEE COMMUNICATION STRUCTURE HIERARCHY

Part 6. ULDC Table 4.C.3.I, Distances for Towers Located in and Adjacent to Residential Districts Separation and Setback (page 125 of 171), is hereby amended as follows:

Reason for amendments: The separation standards for Electrical Communication Structures and Poles, Transmission Lines and Substations located within Residential Districts is hereby set forth:

TOWER TYPE	Adjacent to	TND	AGR	RSA	AR/ USA	RE	RS	RT	PUD (1)	RVPD	MHPD	TND
Transm Stealth	Residential	100% of tower height for separation between tower and adjacent residential structure. When adjacent lot is vacant measurement is taken from residential lot's nearest building setback line.										
	Non-residential	N/A										
Subst Stealth	Residential	100% of tower height for separation between tower and adjacent residential structure. When adjacent lot is vacant measurement is taken from residential lot's nearest building setback line.										
	Non-residential	N/A										
Full Arr Urb Tra	Residential	150% of tower height for separation between tower and adjacent residential structure. When adjacent lot is vacant measurement is taken from residential lot's nearest building setback line.										
	Non-residential	N/A										
Full Arr Urb Sub	Residential	150% of tower height for separation between tower and adjacent residential structure. When adjacent lot is vacant measurement is taken from residential lot's nearest building setback line.										
	Non-residential	N/A										
Full Arr Rur Tra	Residential	150% of tower height for separation between tower and adjacent residential structure. When adjacent lot is vacant measurement is taken from residential lot's nearest building setback line.										
	Non-residential	N/A										
Full Arr Rur Sub	Residential	150% of tower height for separation between tower and adjacent residential structure. When adjacent lot is vacant measurement is taken from residential lot's nearest building setback line.										
	Non-residential	N/A										

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EXHIBIT X

FLORIDA POWER AND LIGHT (FPL)
COMMERCIAL COMMUNICATION TOWERS
PRIVATELY INITIATED AMENDMENT (PIA)
(Updated 06/17/16)

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Part 7. ULDC Table 4.C.3.I, Minimum Separation and Setbacks for Towers Located in Non-Residential Zoning Districts (page 126 of 171), is hereby amended as follows:

Reason for amendments: The separation standards for Electrical Communication Structures and Poles, Transmission Lines and Substations located within Non-Residential Districts is hereby set forth:

Table 4.C.3.I – Minimum Separation and Setbacks for Towers Located in Non-Residential Zoning Districts

TOWER TYPE	Adjacent to	PC	AP	CN	CLO	CC	CHO	CG	CRE	UC	UI	IRO	IL	IG	IPF	PO	MUPD (3)	MXPD (4)	PIPD	LCC
....	Residential	....																		
	Non-residential	....																		
Transm Stealth	Residential	100% of tower height for separation between tower and adjacent residential structure. When adjacent lot is vacant measurement is taken from residential lot's nearest building setback line.																		
	Non-residential	N/A																		
Subst Stealth	Residential	100% of tower height for separation between tower and adjacent residential structure. When adjacent lot is vacant measurement is taken from residential lot's nearest building setback line.																		
	Non-residential	N/A																		
Full Arr Urb Tra	Residential	150% of tower height for separation between tower and adjacent residential structure. When adjacent lot is vacant measurement is taken from residential lot's nearest building setback line.																		
	Non-residential	N/A																		
Full Arr Urb Sub	Residential	150% of tower height for separation between tower and adjacent residential structure. When adjacent lot is vacant measurement is taken from residential lot's nearest building setback line.																		
	Non-residential	N/A																		
Full Arr Rur Tra	Residential	150% of tower height for separation between tower and adjacent residential structure. When adjacent lot is vacant measurement is taken from residential lot's nearest building setback line.																		
	Non-residential	N/A																		
Full Arr Rur Sub	Residential	150% of tower height for separation between tower and adjacent residential structure. When adjacent lot is vacant measurement is taken from residential lot's nearest building setback line.																		
	Non-residential	N/A																		
~~FPL~~	~~Residential~~	~~150' setback from abutting residential property line~~																		
	~~Non-residential~~	~~100' setback from abutting residential property line~~																		

[Ord. 2015-006]

Notes:

(1)	Percentage measured as a separation between tower and adjacent residential structures
(2)	Measured from property line of tower location.
(3)	Limited to Commercial High (CH), Commercial Low (CL), Institutional (INST) and Industrial (IND) FLU Designations
(4)	Limited to Commercial High (CH) Designation
%	Separation or setback as a percentage of tower height

Notes:

- Underlined indicates new text.
- ~~Stricken~~ indicates text to be ~~deleted~~. If being relocated, or partially relocated, destination is noted in bolded brackets **[Relocated to:]** or **[Partially relocated to:]**.
- *Italicized* indicates relocated text. Source is noted in bolded brackets **[Relocated from:]**.
- **....** A series of four bolded ellipses indicates language omitted to save space.

EXHIBIT X

FLORIDA POWER AND LIGHT (FPL)
COMMERCIAL COMMUNICATION TOWERS
PRIVATELY INITIATED AMENDMENT (PIA)

(Updated 06/17/16)

U:\Zoning\CODEREV\Research - Central\FPL\2015\2 - Draft Amendments\10-22-15 Formatting\FPL Cell Tower Text Amendment Language 10-22-2015.docx

Notes:

- Underlined indicates new text.
- ~~Stricken~~ indicates text to be ~~deleted~~. If being relocated, or partially relocated, destination is noted in bolded brackets **[Relocated to:]** or **[Partially relocated to:]**.
- *Italicized* indicates relocated text. Source is noted in bolded brackets **[Relocated from:]**.
- **….** A series of four bolded ellipses indicates language omitted to save space.

Transmission and Substation
Communication Structure Hierarchy

Standard Districts

Tower Type	AG/CON PC	AG/CON AGR	AG/CON AP	RESIDENTIAL AR RSU	RESIDENTIAL AR USA	RESIDENTIAL RE	RESIDENTIAL RT	RESIDENTIAL TS	RESIDENTIAL RM	COMMERCIAL CN	COMMERCIAL CLO	COMMERCIAL CC	COMMERCIAL CHO	COMMERCIAL CG	COMMERCIAL CRE	COMMERCIAL URAO UC1	COMMERCIAL URAO UC2	COMMERCIAL URAO UC3	COMMERCIAL URAO UI1	COMMERCIAL URAO UI2	COMMERCIAL IRO FLU CL	COMMERCIAL IRO FLU CLO	COMMERCIAL IRO FLU CH	COMMERCIAL IRO FLU CHO	IND IL	IND IG	INST PO	INST IPF
COMMERCIAL COMMUNICATION TOWERS																												
Stealth ≤ 104	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Stealth ≥ 104 ≤ 125	P	P	P	B	B	B	B	B	B	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D
Stealth ≥ 125	D	D	D	A	A	A	A	A	A	D	D	D	D	D	D	B	B	B	B	B	B	B	B	B	D	D	D	D
Full Array Urban ≤ 80	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Full Array Urban ≥ 80 ≤ 125	B	B	D	B	B	B	D	D	D	B	B	D	B	D	B	B	B	B	B	B	B	B	B	B	D	D	D	D
Full Array Urban ≥ 125	A	A	D	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	D	D	D	D
Full Array Rural ≤ 250	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D
Full Array Rural ≥ 250	D	D	D	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	D	D	D	D

Planned Development Districts (PDOs) / TRADITIONAL DEV. DISTRICTS (TDDs)

Tower Type	PUD PODS RES	PUD PODS COM	PUD PODS REC	PUD PODS CIV	PUD PODS AGR/P	MUPD FLU CL	MUPD FLU CH	MUPD FLU CLO	MUPD FLU CHO	MUPD FLU CR	MUPD FLU IND	MUPD FLU EDC	MUPD FLU INST	MXPD FLU CH	MXPD FLU CHO	PIPD PODS IND/L	PIPD PODS COM	PIPD PODS IND/G	MHPD	RVPD	LCC FLU CL	LCC FLU CH	TND TIER U/S RES	TND TIER U/S NC	TND TIER U/S NCOSREC	TND TIER EX/ RES	TND TIER EX/ NC	TND TIER EX/ NC	TMD TIER US	TMD TIER EXRURAL	TMD TIER AGR DEV	TMD TIER AGR PRES
COMMERCIAL COMMUNICATION TOWERS																																
Stealth ≤ 104	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Stealth ≥ 104 ≤ 125	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D
Stealth ≥ 125	B	B	B	B	B	B	B	B	B	B	D	D	D	B	B	D	D	D	D	D	D	D	B	B	B	B	B	B	B	B	B	B
Full Array Urban ≤ 80	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Full Array Urban ≥ 80 ≤ 125	D	B	D	B	D	D	D	D	D	D	P	P	D	D	D	D	D	D	D	D	D	D	D	B	D	D	B	D	D	D	D	D
Full Array Urban ≥ 125	A	A	A	A	D	A	A	A	A	A	A	A	A	D	D	D	D	D	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Full Array Rural ≤ 250	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D
Full Array Rural ≥ 250	B	B	B	B	D	B	B	B	B	B	D	B	B	B	B	D	B	D	B	B	B	B	B	B	B	B	B	B	B	B	B	B

Ord. [

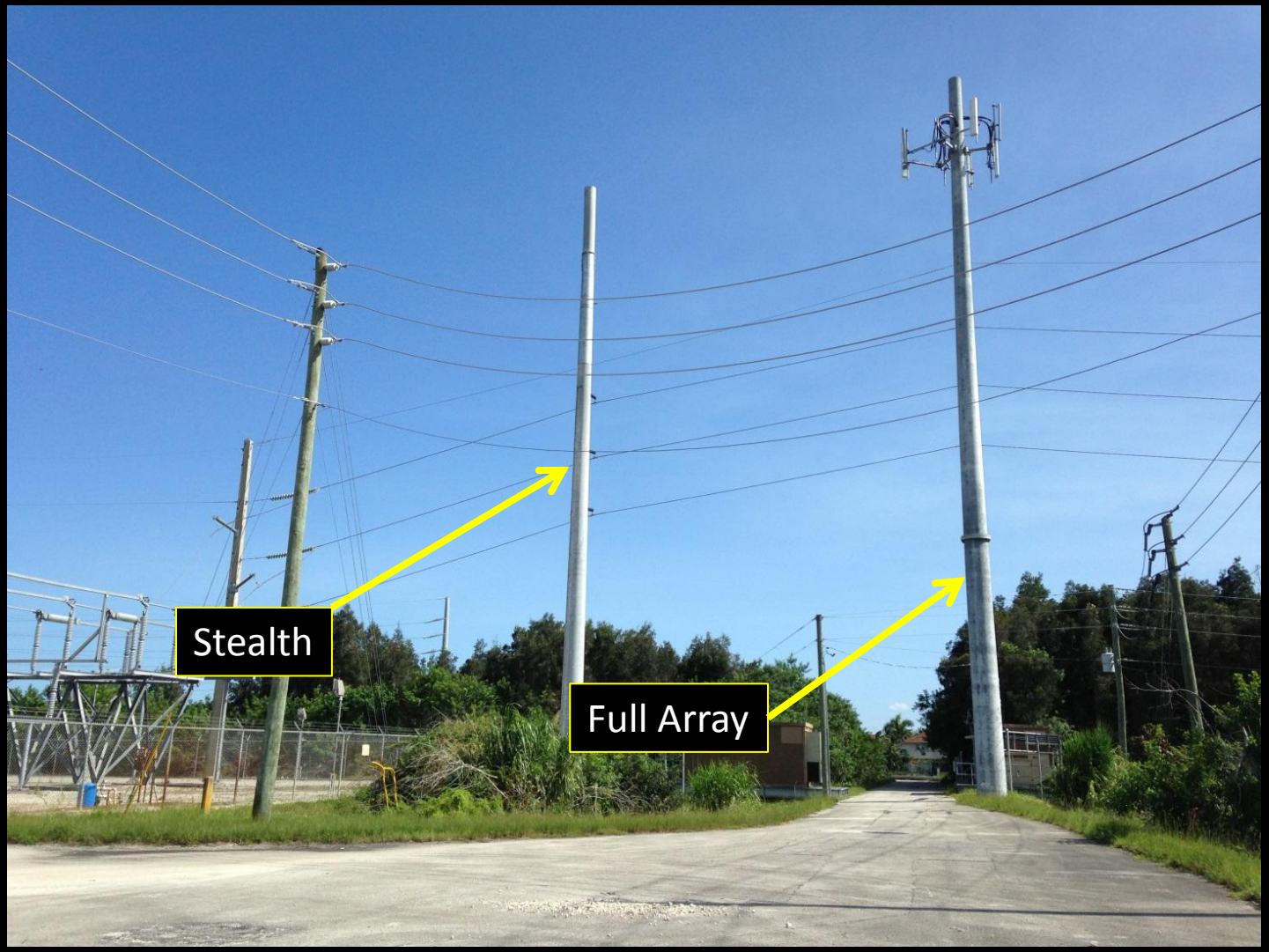
Use approval process key:

P Permitted by Right	D Subject to DRO Approval	A Subject to BCC Approval (Class A Conditional Use)
S Subject to Special Permit Assistance	B Subject to Zoning Commission Approval (Class B Conditional Use)	- Prohibited use, unless stated otherwise within Supplementary Use Standards

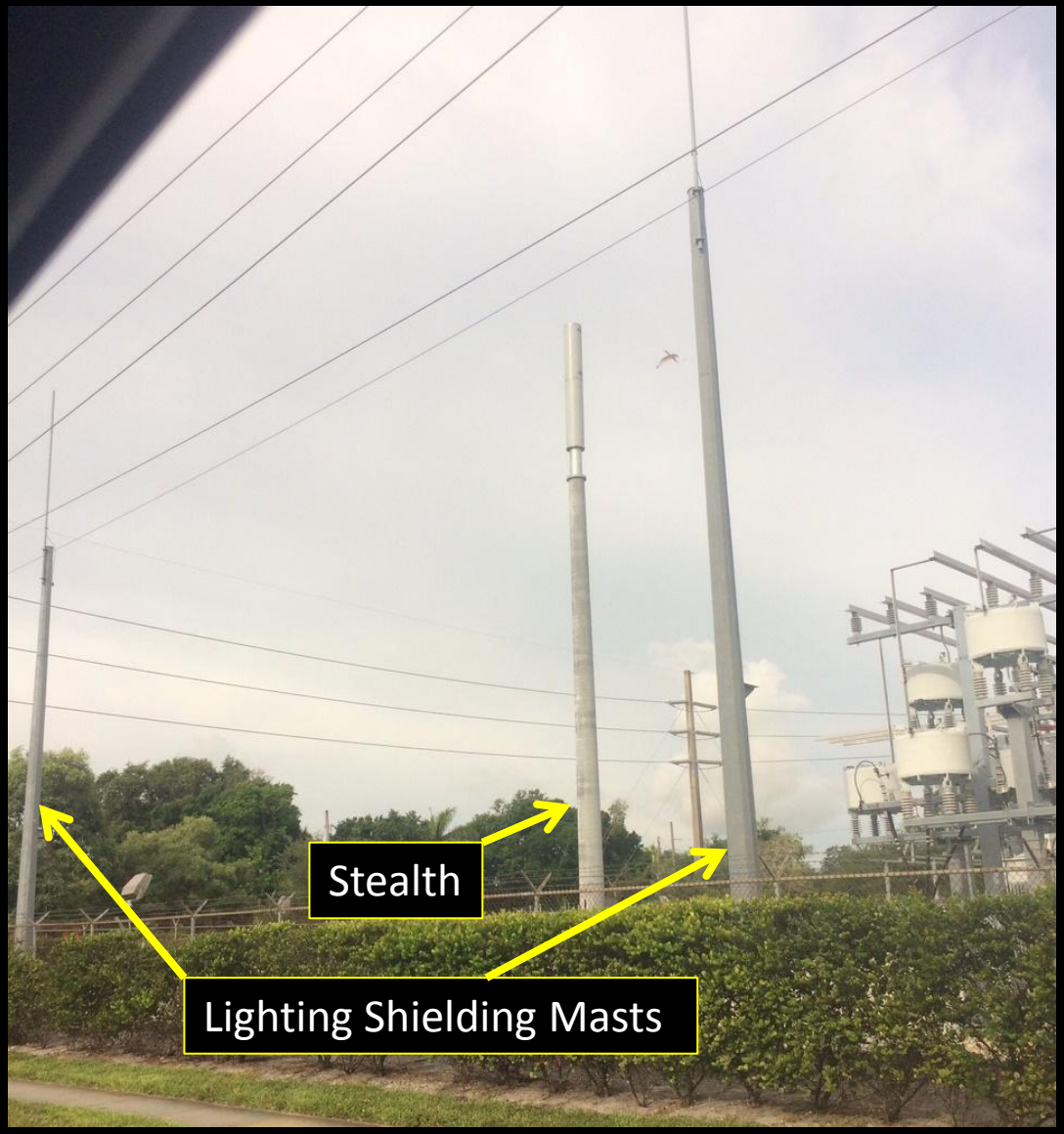
Notes:

Underlined indicates new text.

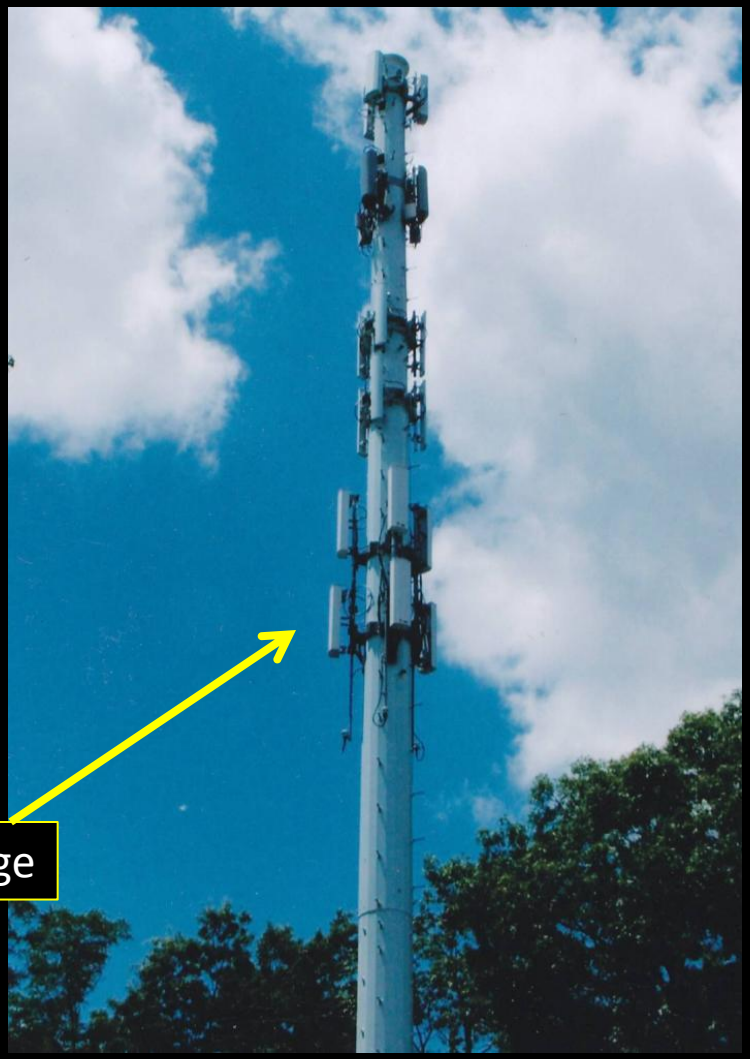
Substation



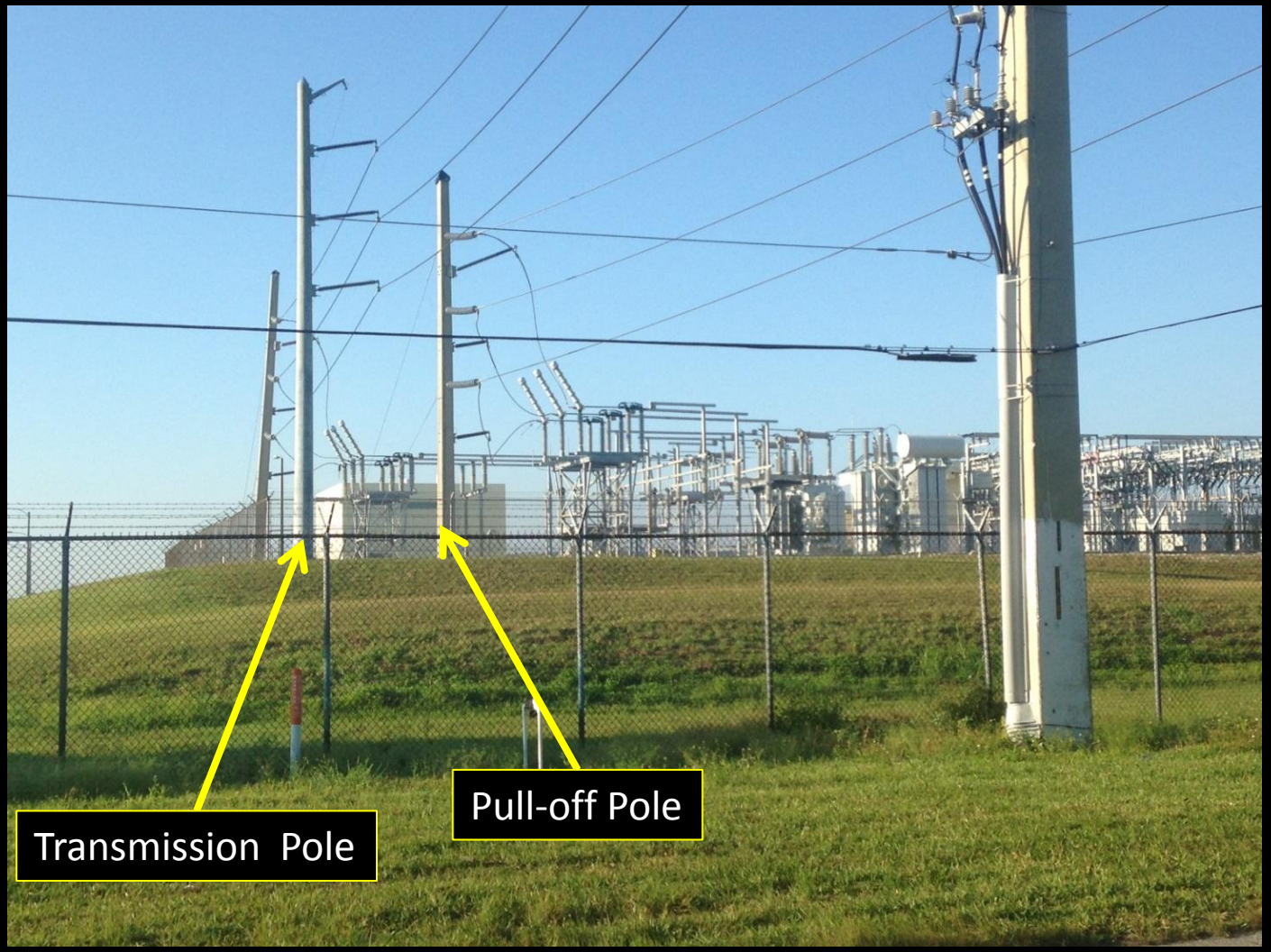
Substation



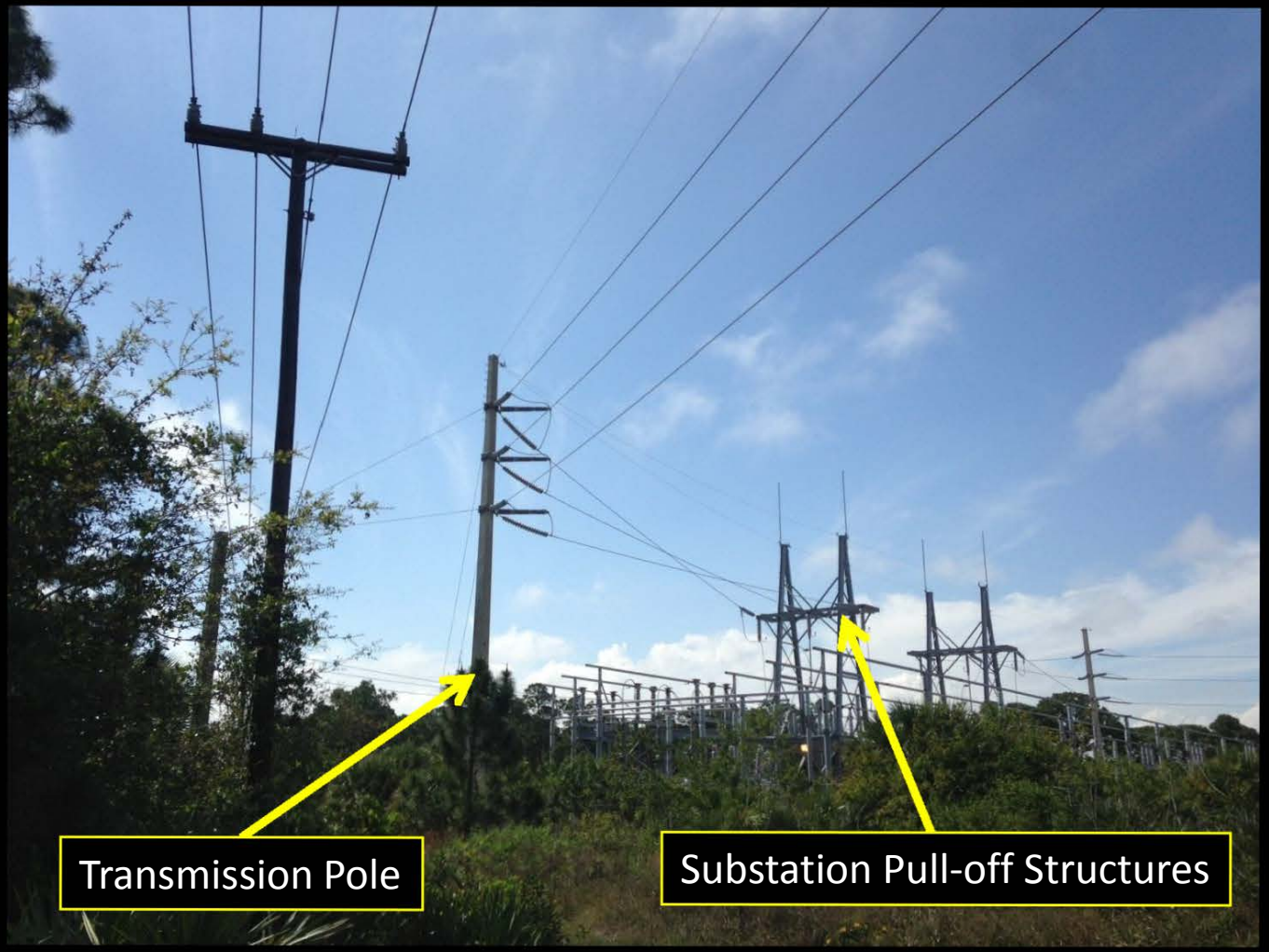
Substation (Stand Alone)



Substation



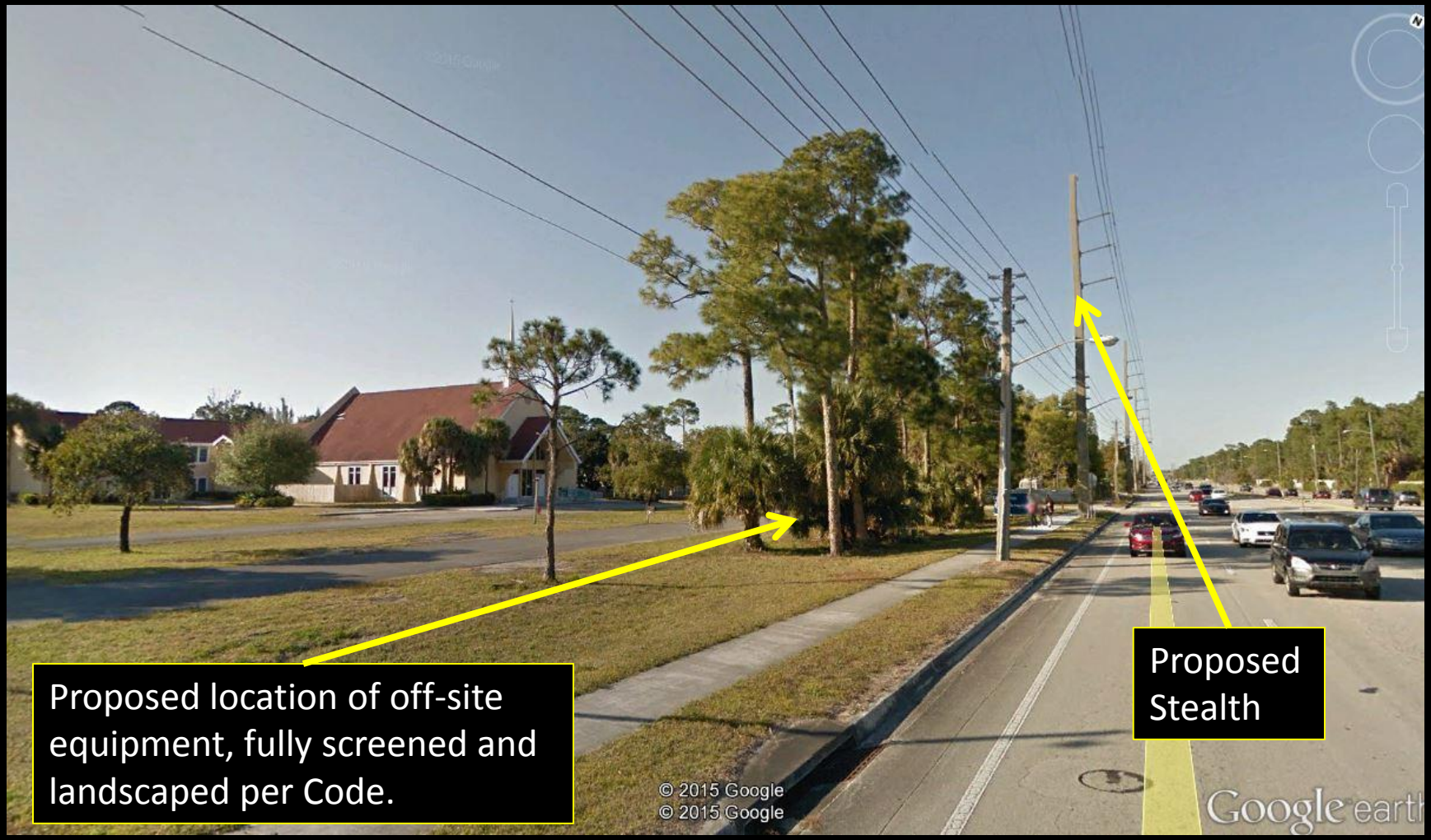
Substation



Transmission

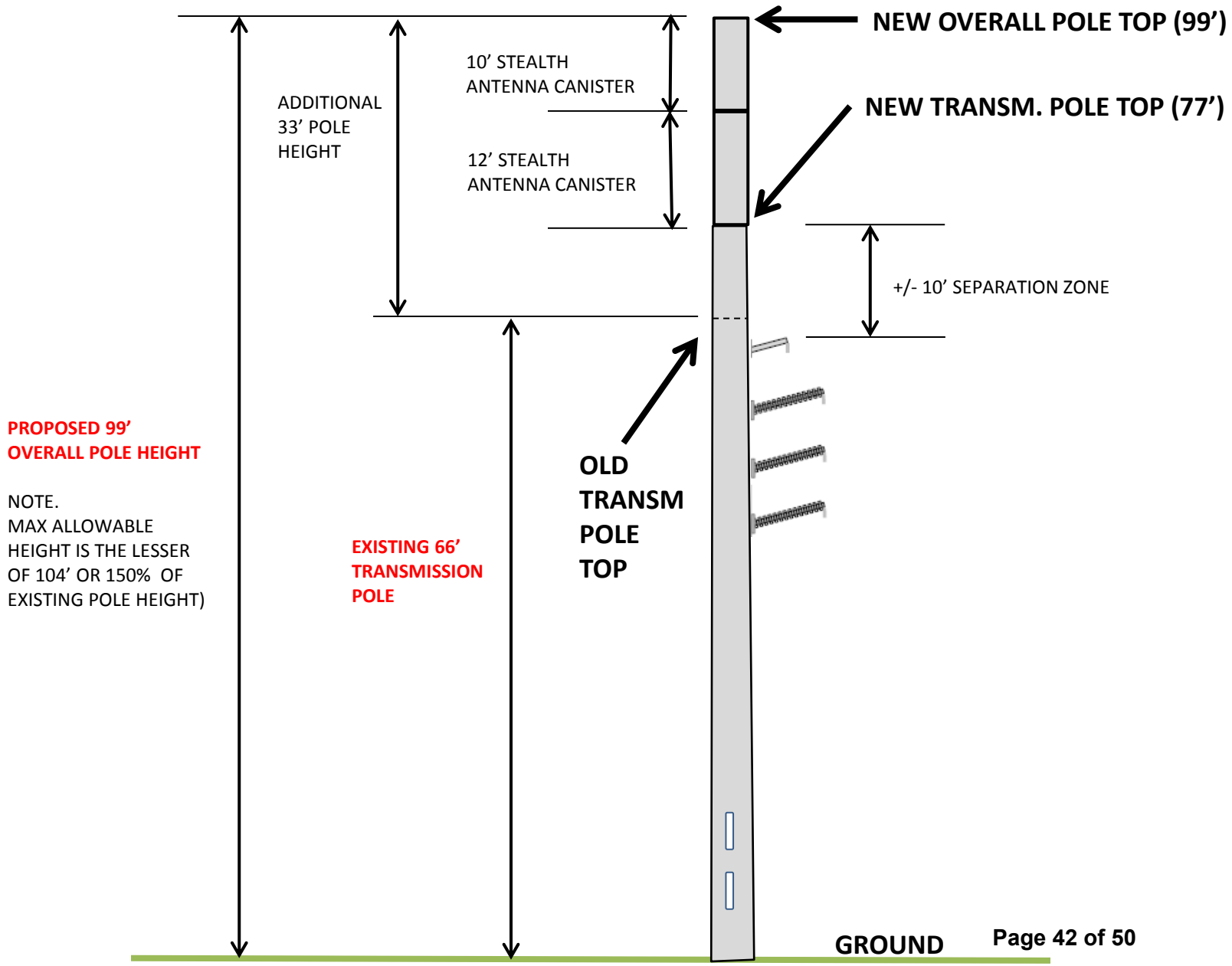
Transmission

Transmission (Road Right-Of-Way)



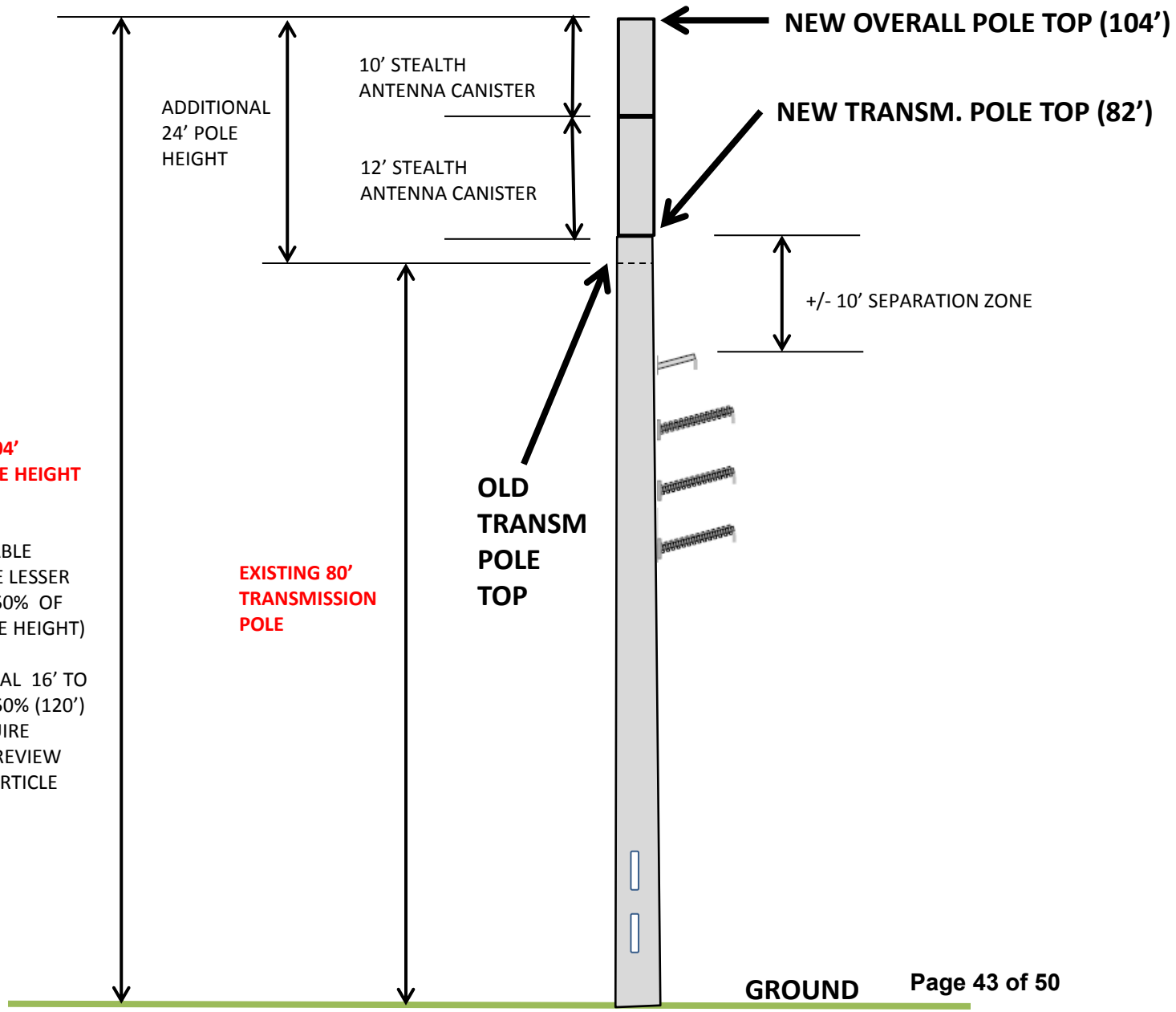
EXISTING 66’ TRANSMISSION POLE (NEW POLE = 150% OF HEIGHT)

(conceptual)



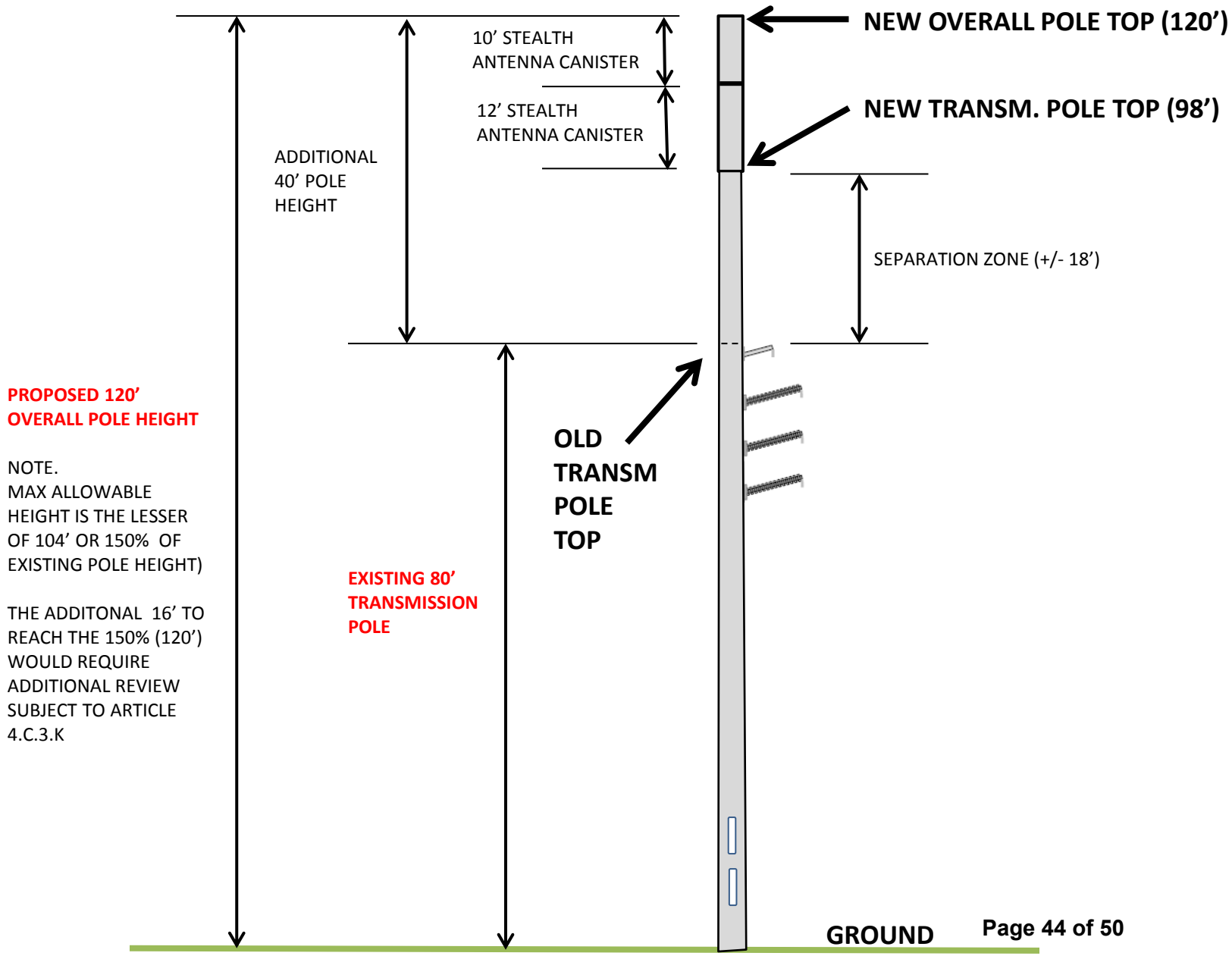
EXISTING 80’ TRANSMISSION POLE (NEW POLE = 104’)

(conceptual)



EXISTING 80’ TRANSMISSION POLE (NEW POLE = 150%)

(conceptual)



Date: October 22, 2015

Address: Bruce Barber, FPL - Fibernet

Re: AT&T Mobility's coverage range vs antenna height view, for the heights you requested

Bruce,

There are many different prediction and simulations models used to characterize each service type & grade for the many different services offered by most cellular operators today, and most of us use a commercially available software tool to do so. The number of configuration options in that tool grows in count to match the growing types of new service being offered by operators.

For example, we recently deployed Voice over IP which has a more stringent set of criteria to insure acceptable performance, coverage range for that voice call service is smaller than for typical circuit switched calls that most of us have been moving away from. Another big shift in coverage range is associated with bandwidth/speed. The increased demand for bandwidth/speed drives need for more coverage dominance in order to utilize the associated/required higher modulation codecs/scheme

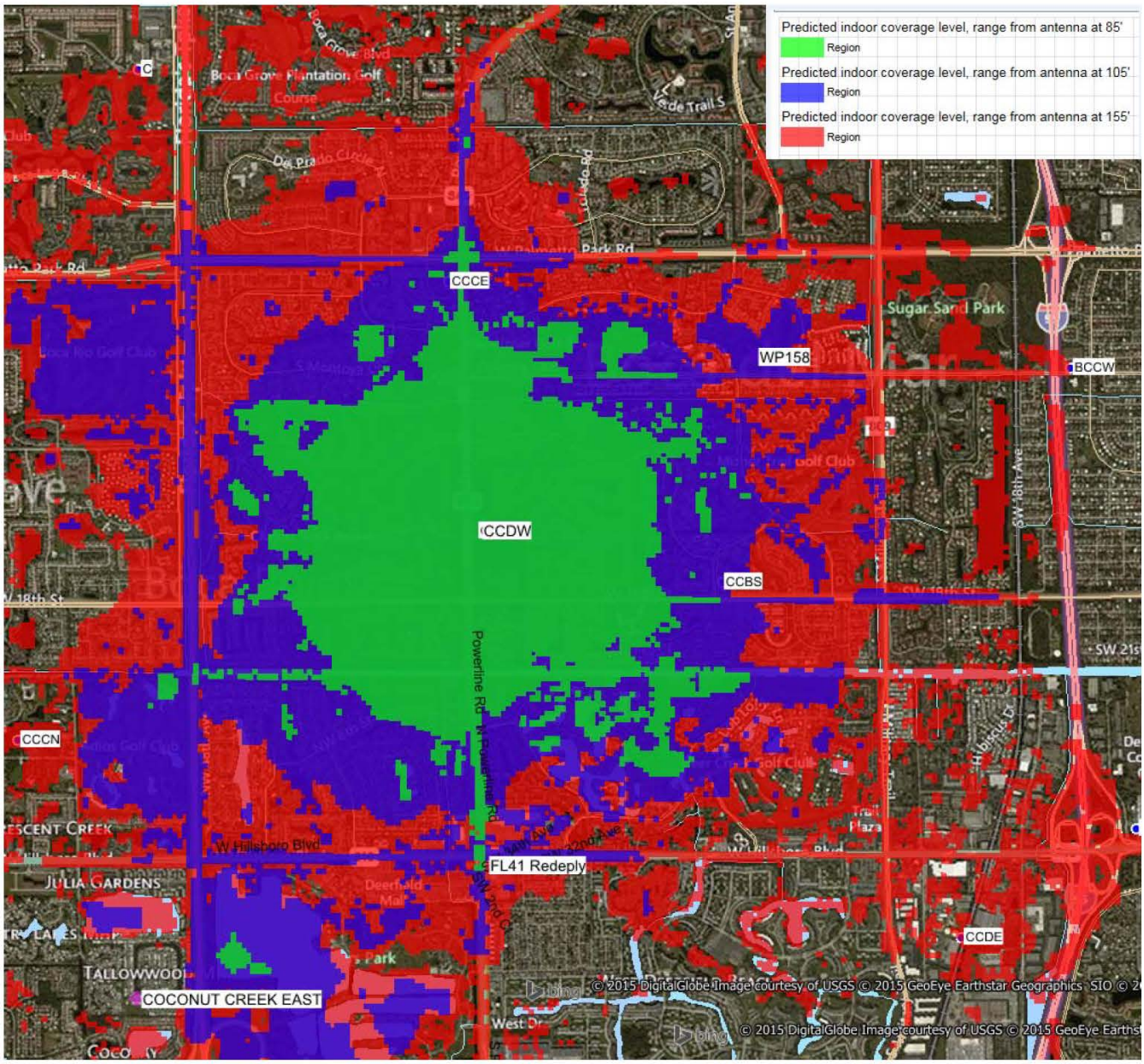
Attached is a simple composite plot depicting 3 individual coverage plots laying on top of each other in a layered format, one for each antenna height and all having the same basic parameters associated with providing indoor coverage.

If you have any questions, please call me at 561-312-3000.

Sincerely,

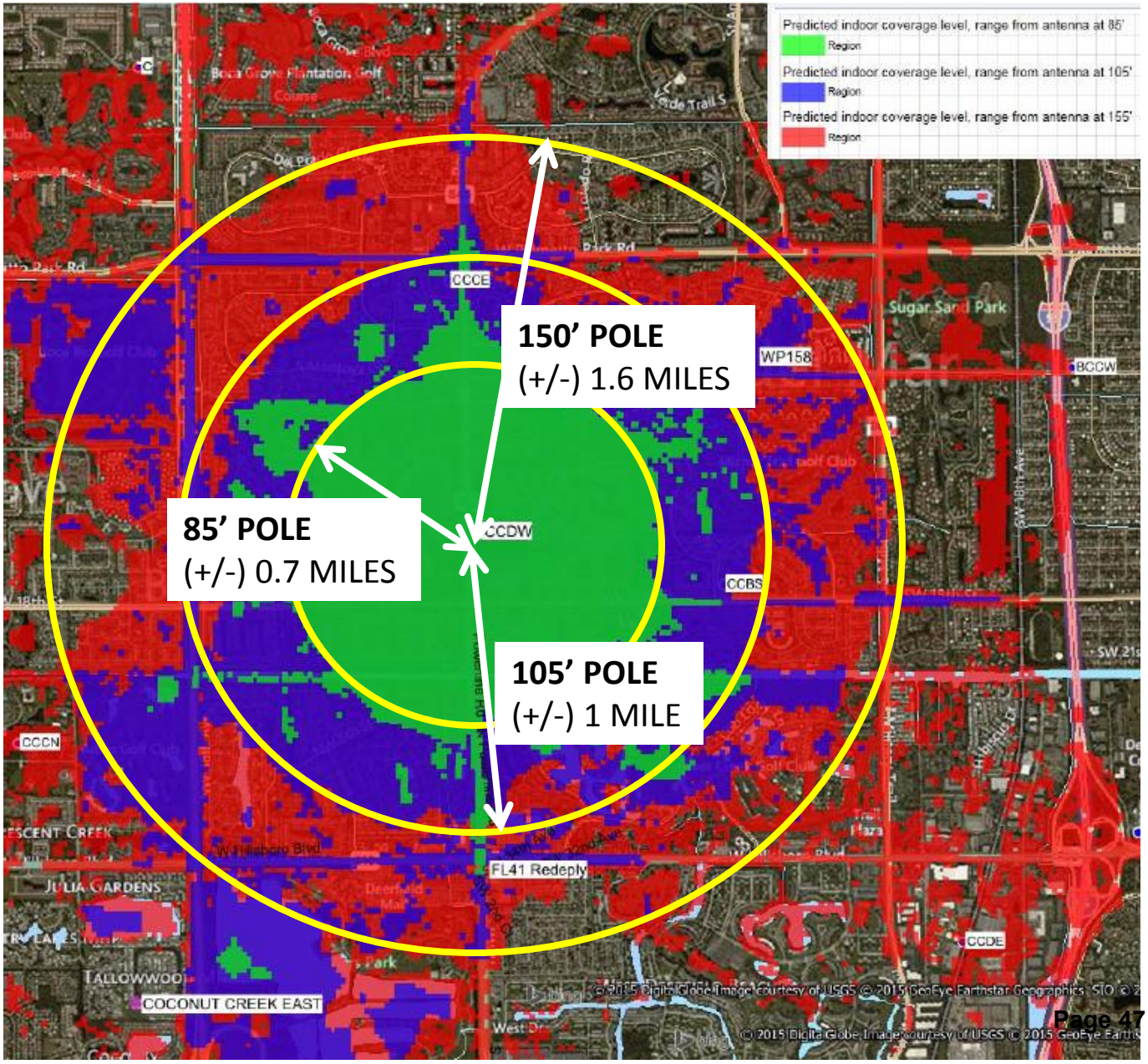
George Brosseau

George Brosseau
Principal RF Engineer
AT&T Mobility – South Florida

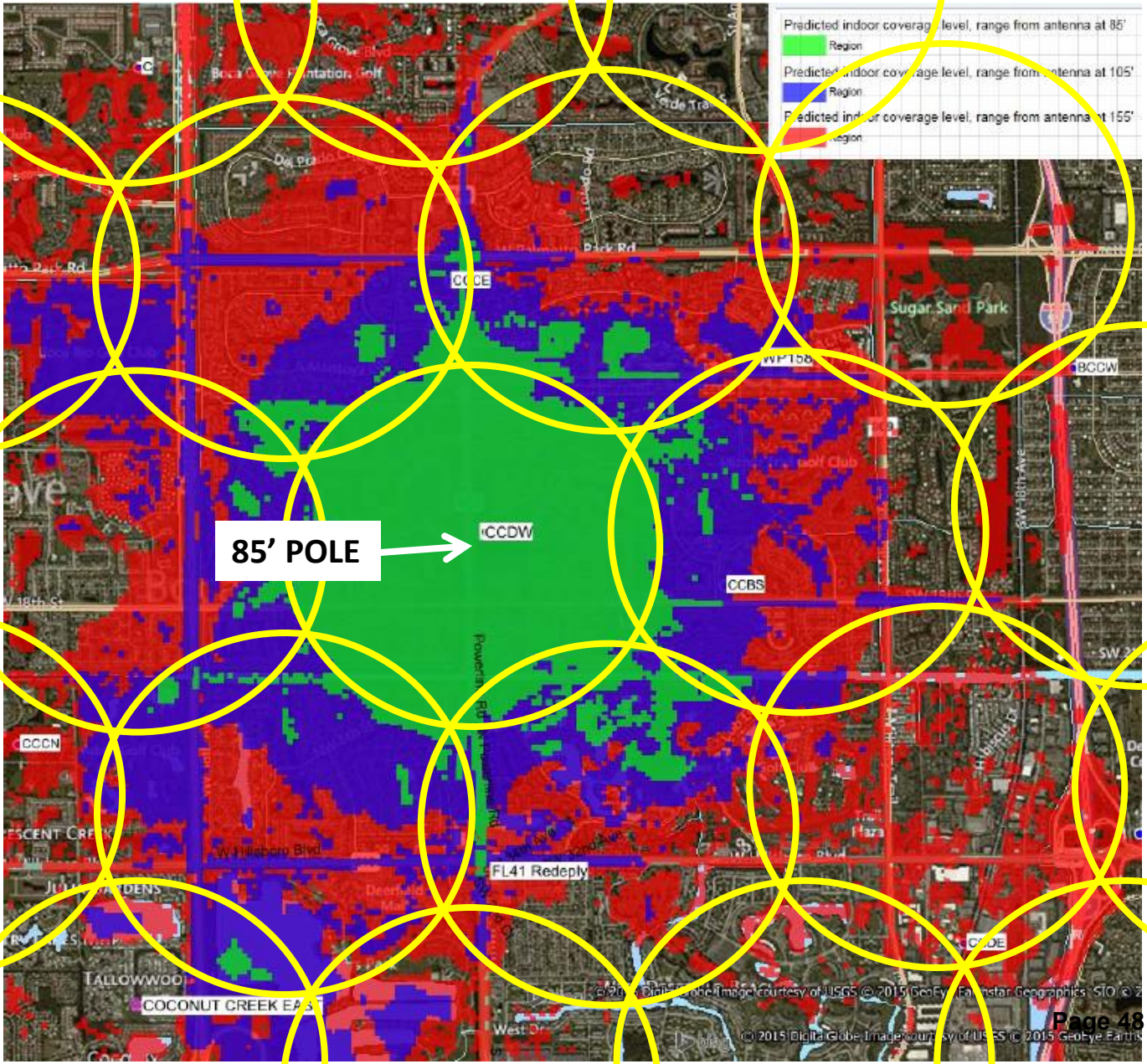


Composite plot: 3 coverage range plots with model parameters set for indoor coverage, each individual plot has the same parameters and antenna model with the difference being the antenna height – see legend

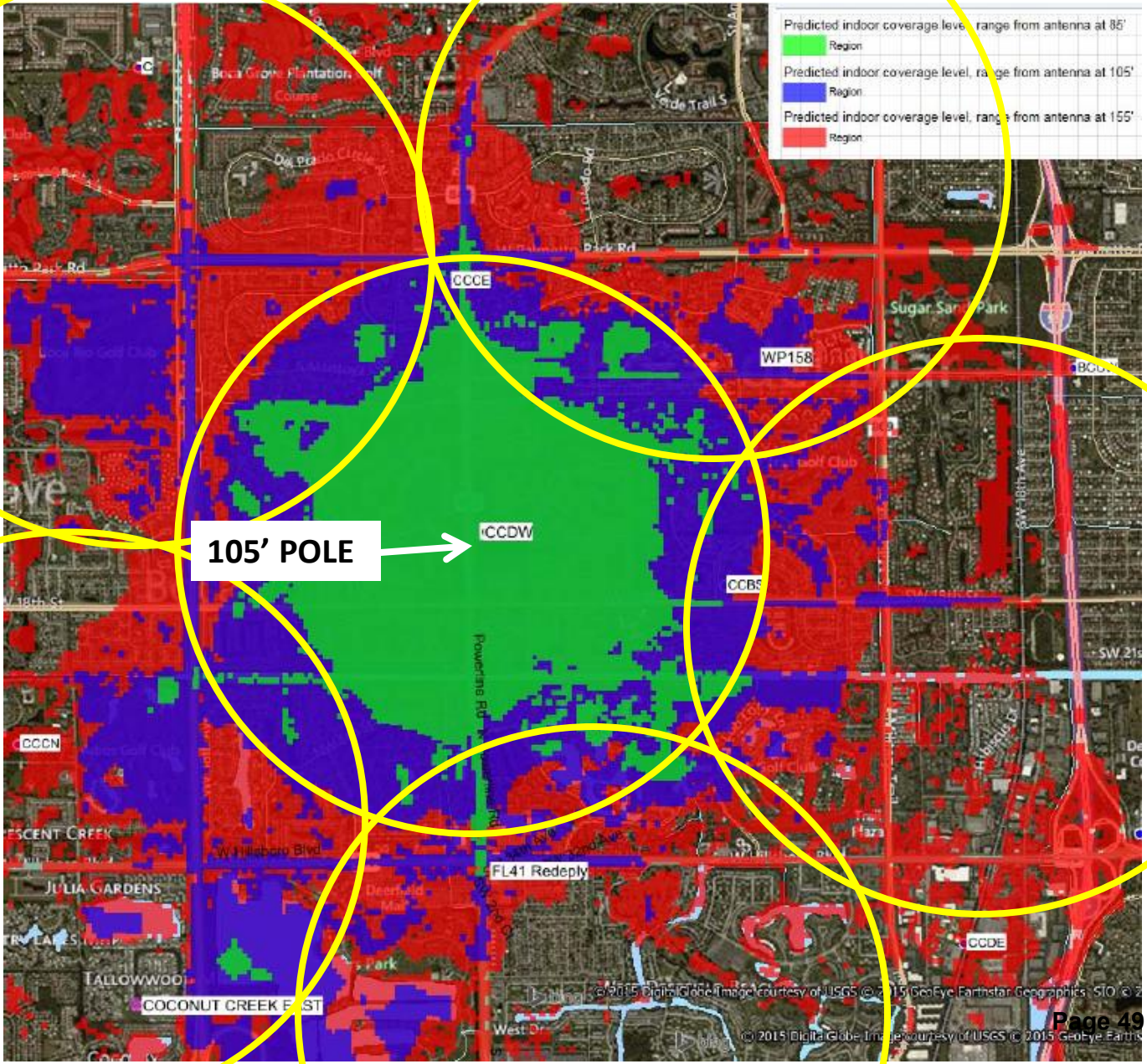
Approx. Coverage Range for 85', 105' and 150' Transmission Pole (Cell Antenna at Top of Pole)



Approx. Number of Additional Cell Towers Required to Cover Surrounding Area (85’ Pole)



Approx. Number of Additional Cellular Towers Required to Cover Surrounding Area (105’ Pole)



Approx. Number of Additional Cellular Towers Required to Cover Surrounding Area (150’ Pole)