

## PLANNING AND ZONING BOARD REPORT

**PZB Project Number 23-00500002:** Major Site Plan, Conditional Use Permit, and Variance requests for the establishment of a 100-foot high monopole tower at 1327 Central Terrace. The subject site is zoned Mixed Use- Dixie (MU-DH) and has a future land use designation of Mixed Use – East (MU-E).

**Meeting Date:** May 3, 2023

**Property Owner:** Thomas Counihan

**Applicant:** Michael Hahn – Hahn Tower Inc.

**Address:** 1327 Central Terrace

**PCN:** 38-43-44-16-07-000-1040

**Size:** .37-acre lot / ±5,000 square feet of existing structure

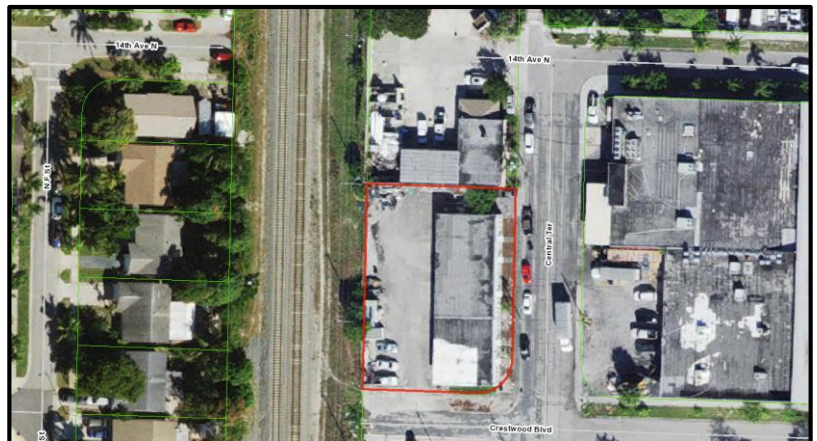
**General Location:** The northwest corner of Central Terrace and Crestwood Boulevard

**Existing Land Use:** Contractor Offices

**Current Future Land Use Designation:** Mixed Use – East (MU-E)

**Zoning District:** Mixed Use – Dixie Highway (MU-DH)

**Location Map:**



## RECOMMENDATION

The documentation and materials provided with the application request were reviewed for compliance with the applicable guidelines and standards found in the City of Lake Worth Beach Land Development Regulations (LDRs), and for consistency with the Comprehensive Plan and Strategic Plan. The proposed Major Site Plan, Conditional Use, and Variance requests are consistent with the Comprehensive Plan, Strategic Plan, and LDRs as conditioned. Therefore, a **recommendation of approval with conditions** is provided to the Planning and Zoning Board. The conditions are located on pages 7 and 8 of this report.

## PROJECT DESCRIPTION

The applicant, Michael Hahn on behalf of Hahn Towers Inc., is requesting approval of the following located at 1327 Central Terrace:

- A **Major Site Plan and Conditional Use Permit (CUP)** request for the establishment of a 100-foot monopole communication tower.
- A **Variance** request for the monopole communication tower to exceed the zoning district height.

The applicant is proposing the construction of a 100-foot communications tower and accessory mechanical equipment (tower compound). The total structure and compound area will be located along the northwest side of the subject site. Per the applicant, the tower will be used to provide critical communication services to the surrounding area for residents, businesses, and vehicles. The tower will be available, for collocation, to all wireless carriers and to the City of Lake Worth Beach. The site will be enhanced with new landscaping and fencing to bring the property closer to compliance with the City's current regulations.

## COMMUNITY OUTREACH

Staff has not received any letters of support or opposition for this application.

## BACKGROUND

Below is a summary of the property based on Palm Beach Property Appraiser's records and City records:

**Use:** Contractor Offices

**Construction:** The building was constructed in 1971.

**Code Compliance:** There are no active code cases on the subject site.

## ANALYSIS

### *Consistency with the Comprehensive Plan and Strategic Plan*

The subject site has a Future Land Use (FLU) designation of Mixed Use – East (MU-E). Per Policy 1.1.1.5, the Mixed Use – East land use category is intended to provide for a mixture of residential, office, service and commercial retail uses within specific areas east of I-95, near or adjacent to the central commercial core and major thoroughfares of the City. The implementing zoning districts are MU-DH, MU-FH, and MU-E. The proposed wireless communication facility (tower) is allowed in the MU-DH zoning district as a Conditional Use. The proposal is associated with an existing ±5,000 square foot building. Therefore, the proposal can be deemed consistent with the intent and desired uses for the MU-E FLU as it maintains a commercial space and adds a service to the City of Lake Worth Beach.

The City's Strategic Plan focuses on fostering safer neighborhoods, encouraging community pride, building a vibrant and diverse economy, planning for the future, and enhancing the natural, historic, and cultural environment of the City. Pillar IV.A and Pillar IV.D of the Strategic Plan state that the City shall achieve economic and financial sustainability through a versatile and stable tax base, and influence the supply and expansion of jobs. Because the proposed wireless

communication facility (tower) will contribute towards communication services for residents and businesses, the proposal is consistent with Pillar IV.A and Pillar IV.D.

Based on the analysis above, the proposed requests are consistent with the goals, objectives, and polices of the City of Lake Worth Beach’s Comprehensive Plan and Strategic Plan.

**Consistency with the Land Development Regulations**

The **Mixed Use – Dixie Highway (MU-DH) zoning district** is intended to provide the establishment and expansion of a broad range of office and commercial uses, including higher density residential use. Certain commercial uses are not permitted in the district because they will be detrimental to the shopping or office functions of the area. The establishment of certain uses is subject to conditional use review to ensure they will not have a negative impact on nearby residential uses or on the commercial viability of their neighbors.

**Analysis:** The proposed wireless communication facility (tower) use is allowed conditionally in the MU-DH zoning district, subject to the regulations and standards set forth in Section 23.3-17 (Development Standards). The proposed use is consistent with the intent of the MU-DH zoning district, as conditioned. The analyses for both the major site plan and the conditional use permit requests are provided in the section below and are consistent with the review criteria provided in Attachments A & B.

The table and topic area analysis below evaluate the proposed site features and the project’s compliance with the Land Development Regulations:

Development Standard		Base Zoning District MU-DH	Provided
Lot Size (min) In square feet (sf)		13,000 sf	16,280 sf / ±0.37 acres
Lot Width (min)		100’	110’
Setbacks LDR Section 23.4-13 (c)(3)(B)(2)	Right-Of-Way	50’	East: 87’ South: 139’
	Property Lines	33 percent of the height of the tower. The building official may decrease the radius provided the tower is designed to higher EIA standards than required for this area	<b>North: 5’</b> <b>West: 17’</b> Tower is conditioned to be designed to higher EIA standards than required for the area and is eligible to utilize the proposed alternate setbacks.
Impermeable Surface Coverage (maximum)		65%	<b>14,573 square feet (Existing) – 89.1%</b> <b>13,848 square feet (Proposed) – 84.6%</b> Reduction of Non-Conformity
Structure Coverage (max)		50%	5,000 square feet (Existing) – 30.6%
Height (max)		30’	<b>100’ (Variance Requested)</b> See pages 6 and 7 for detailed parking analysis.
Floor Area Ratio (FAR) (max)		0.90	0.30 (Existing)
Parking		16 Parking Spaces Parking Calculated for existing and new uses	16 Parking Spaces (13 Off-Street, 3 On-Street)

	See page 4 for detailed parking analysis.	
Is site in floodplain (Flood Zone / BFE), or in Wellfield Zone? Yes/No	Yes	Wellfield Zone 4

**Section 12-7, Dumpster Requirements:** *The location of all dumpsters shall be approved by the public services director or his designee and/or the building official or his designee. All dumpsters shall meet the requirements set forth in this section and all other ordinances, rules, regulations and policies adopted by the city.*

**Analysis:** The proposed refuse location was reviewed by Public Works. It was determined that the refuse area was consistent with the City’s requirements for location, size, and screening. The refuse area is located on the south side of the property and will be screened by new opaque fencing along the south property line.

**Section 23.4-3, Exterior Lighting:** *All outdoor lighting shall be installed in conformance with the provisions of this chapter, applicable electrical and energy codes, and applicable sections of the building code.*

**Analysis:** A condition of approval has been provided requiring that if new exterior lighting is proposed a photometric plan shall be submitted that complies with LDR Section 23.4-3 and the Dark Skies lighting recommendations. The proposed fixtures shall be required to have a warm tone setting of 3000 K or less. If the proposed fixture cannot be set to provide the required light tone, the proposed fixtures may be substituted with similar fully shielded light fixtures at building permit to achieve a warm LED light tone of 3000K or less.

**Section 23.4-10. - Off-street parking:** *This section provides general provisions for off-street parking. The standards “apply to all parking spaces required for new buildings, new uses, additions, enlargements, or changes.”*

**Analysis:** The required off-street parking for the property is 16 spaces. The off-street parking spaces were calculated as follows:

- Office: One (1) space per four hundred (400) gross square feet of space; and,
- Communication Tower: All communication tower sites which require a full-time attendant or consumer visitation shall provide a **minimum of three (3) parking spaces** or one (1) space per employee on the shift of greatest employment plus one (1) space per one thousand (1,000) square feet of building floor area, **whichever is greater.**

The applicant has provided 13 off-street parking spaces and three (3) on-street parking spaces. Per LDR Section 23.4-10.2, off-street parking spaces that result in “*the requirement of a fractional space, any such fraction of one-fourth (¼) or greater shall require a full space*”. Therefore, the required parking spaces are calculated as follows:

- Office (8,532 SF): 12.5 = 13; and,
- Communication Tower: 3

Per LDR Section 23.4-10 (k), up to 50% of required parking for properties in mixed use zoning districts can be provided on-street. Therefore, the three (3) on-street parking spaces are allowed to be counted towards the overall parking requirement.

**LDR Section 23.4-9, Off-Street Loading Regulations:** *Every hospital, institution, hotel, commercial and industrial building or similar use, having a floor area in excess of ten thousand (10,000) square feet requiring the receipt or distribution by vehicle of materials and merchandise, shall have at least one (1) permanently maintained off-street loading space for each ten thousand (10,000) square feet of gross floor area or fraction thereof. Where site conditions allow, loading areas shall be screened and buffered from public view.*

**Analysis:** Not applicable, the existing building is ±5,000 square feet and does not require an off-street loading zone.

**Signage:** Signage is required to comply with the size and design requirements of LDR Section 23.5-1, *Signs*. Ground or monument signage shall require a minor site plan amendment where the ground sign shall be depicted on the site and landscape plans. The signage shall be reviewed at minor site plan and building permit for consistency with the sign requirements.

**Section 23.6-1. - Landscape regulations:** *The objective of this section is to provide minimum standards for the installation and maintenance of landscaping within the city. Per Section 23.6-1(c)(2), "on the site of a building or open-lot use providing an off-street parking, storage or other vehicular use area, where such an area will not be screened visually by an intervening building or structure from an abutting right-of-way or dedicated alley, shall require landscaping".*

**Analysis:** This project provides perimeter landscaping and shade trees adjacent to Central Terrace and the FEC Railroad tracks and is consistent with the City's landscape regulations. The species are Live Oak trees, Cocoplum and Dwarf Yaupon Holly shrubs and Bahia sod for groundcover. The proposed landscape complies with the City's requirement that a minimum 75% of all required plants be Florida native. Staff has included a condition of approval that the Cocoplum hedge that is proposed to be planted in the Right of Way adjacent to Crestwood Blvd must be removed at the direction of the City's Public Works Department. Although three invasive Schefflera trees and one invasive Java Plum are proposed to be removed, mitigation is not required due to onsite replacement with native trees. Overall, the proposed landscape plan enhances the site and addresses the existing non-conforming mulch beds in the of that building with new Live Oak trees and Dwarf Yaupon Holly shrubs.

#### **Section 23.2-31 - Site Design Qualitative Standards (Attachment A)**

Site Design Qualitative Standards are intended to *"promote safety and minimize negative impacts of development on its neighbors by establishing qualitative requirements for the arrangements of buildings, structures, parking areas, landscaping and other site improvements. The qualitative standards are designed to ensure that site improvements are arranged in ways which cannot be otherwise accomplished with quantitative standards."* These qualitative standards are applicable to site plan applications as well as all conditional uses. Compliance determination with the applicable standards in Section 23.2-31 are provided in Attachment A. **The following analysis of the site, building, vehicular use area and appearance support the compliance findings for the applicable standards listed in Attachment A.**

**Site Design Qualitative Standards Analysis (including vehicular use areas):** The proposed improvements to the site, including landscaping are consistent with the Site Design Qualitative Standards. The character of the proposed development is consistent with the surrounding areas.

The proposed wireless communication facility (tower) will be adjacent to the FEC railway where daily freight trains pass through. The tower location is set building the existing contractor offices. There will be a new security fence and landscape buffer. New decorative PVC panel fencing will replace the existing barbed-wire chain-link fencing along Crestwood Boulevard and the entrance off of Central Terrace. The tower compound will be surrounded on all sides by the combination of landscaping, an 8-foot security fence with privacy slats, a cinderblock wall (north property line), and the existing building. The existing access drives will be utilized. This is an unmanned facility, any periodic site visits will be accommodated by the existing ingress and egress drives. The main access is off of Crestwood Blvd which is a dead-end street that primarily only services this parcel and the parcel to the South.

The proposed improvements to the site are harmonious as a whole, are visually appealing, and will be an asset to the neighborhood with the proposed landscaping and fencing.

The existing uses in the surrounding area are as follows:

Direction	Future Land Use	Zoning District	Existing Use
North	Mixed Use - East	Mixed Use – Dixie Highway	Warehouse
South	Mixed Use - East	Mixed Use – Dixie Highway	Warehouse
East	Mixed Use - East	Mixed Use – Dixie Highway	Shopping Center Plaza
West (Across FEC Railway)	Single-Family Residential (SFR)	Single-Family Residential (SFR)	Single-family homes

**Community Appearance Criteria:**

The proposed tower and site improvements represent a substantial improvement in the general appearance of the property by providing new landscape and fencing around the perimeter of the property. The existing building will remain which is in harmony with the surrounding warehouse uses. Overall, the proposal mitigates the visual impacts of the tower insofar as possible.

**Conditional Use Findings (Attachment B)**

Conditional uses are those uses that are generally compatible with the other uses permitted in a district, but that require individual review of their location, design, structure, configuration, density and intensity of use, and may require the imposition of conditions pertinent thereto in order to ensure the appropriateness and compatibility of the use at a particular location and to prevent or minimize potential adverse impacts to the surrounding area. The project proposal includes a conditional use request to establish a wireless communication facility (tower).

The proposed conditional use is not anticipated to impact the surrounding area greater than uses permitted by right or greater than the existing contractor offices on the property. Based on the applicant’s justification statement, there is a deficit in wireless networks within the City of Lake Worth Beach which the new tower will improve. Also, the proposed associated site improvements will provide new screening and landscaping.

**Variance**

A variance is being requested to allow the construction of a 100-foot tower, whereas, the maximum allowable height in the MU-DH zoning district is 30 feet. The land development regulations require all variance requests to be analyzed for consistency with Section 23.2-26(b), Variances. Staff has reviewed the application in regards to this section which the analysis outlined is as follows:

1. Special circumstances or conditions exist which are peculiar to the land or building for which the variance is sought and do not apply generally to nearby lands and buildings, and that this is not the result of action of the applicant.

**Staff Analysis:** According to the applicant, the subject property is in a unique location to cover the greatest amount of people who currently have a sub-standard level of wireless coverage. The 100-foot height is needed to cover the largest area of number of residents possible, while minimizing the number of towers necessary to service the area. Buildings, trees, power lines and other structures would all render a shorter tower, especially 30-feet in height, ineffective toward the goal off providing reliable wireless service. **Meets Criterion.**

2. The strict application of the provision of these LDRs would deprive the applicant of any reasonable use of the land or building for which the variance is sought.



**Analysis:** The applicant contends that the proposal is an excellent use of the surplus paved area behind the contractor offices, adjacent to the FEC tracks. It is staff's analysis that without the variance, the rear portion of the property would not be able to be developed as a communication tower. Potential sites to locate a communication tower are very limited within the City. While denial of the variance would not deny the property owner of all reasonable use of their land, it has the potential to limit the provision of vital communication services that support the health, safety and welfare of residents. Further, a height variance would be required for the development of all communication towers not located in a planned development within the City; and as such, strict application of the LDRs would effectively deny the applicant's ability to effectively site a communication tower use within the City. Finally, the proposed colocation of the tower on an existing industrial site would allow for an efficient use of land on the subject site, while providing an essential service and enhancing the existing site conditions. **Meets Criterion.**

3. The variance proposed is the minimum variance which makes possible the reasonable use of the land or building.

**Analysis:** The applicant states that a higher tower would be desirable and that the variance being requested is the minimum height necessary to adequately meet the coverage needs of the area and stay within the City Charter limit of 100' maximum height. **Meets Criterion.**

4. The granting of the variance will be in accordance with the spirit and purpose of this chapter, and will not be unduly injurious to contiguous property or the surrounding neighborhood nor otherwise detrimental to the public welfare.

**Analysis:** According to the applicant, multiple improvements are proposed for the property, not just the tower area. A large amount of landscaping will be planted to make the subject property a much greener, attractive parcel. Barbed-wire fencing chain-link fencing will be replaced with decorative opaque fencing to improve the appearance of the parking area behind the building. The broken sidewalks along Crestwood Boulevard will be replaced. The level of high-speed wireless service that residents and visitors expect for their wireless smart phones and devices will be greatly improved. **Meets Criterion.**

## CONCLUSION AND CONDITIONS

The Mixed Use – Dixie Highway (MU-DH) zoning district is intended to provide the establishment and expansion of a broad range of office and commercial uses, including higher density residential use. Certain commercial uses are not permitted in the district because they will be detrimental to the shopping or office functions of the area. The establishment of certain uses is subject to conditional use review to ensure they will not have a negative impact on nearby residential uses or on the commercial viability of their neighbors.

The *wireless communication facility (tower)* use is appropriate for this zoning district. Further, the proposed site improvements are consistent with the City's LDR requirements as conditioned, and will be an asset to the area with the proposed landscaping and screening. Therefore, a recommendation of approval is provided to the PZB with the following conditions:

### Planning, Zoning, and Landscape

1. A minor site plan amendment shall be required prior to building permit issuance to address the following:
  - a. If exterior lighting is proposed, submit a photometric plan for exterior lighting that complies with LDR Section 23.4-3. Further, lighting fixtures shall comply with dark skies fixture recommendations, including a 3000K light tone or less for LED lighting, and shall be consistent with the architectural style of the project as determined by the Development Review Official.
  - b. Revise the landscape plan to remove the Cocoplum hedge that is proposed to be planted in the Right of Way adjacent to Crestwood Blvd and replace it with Bahia sod at the direction of the City's Public Works Department.
  - c. Revise the setbacks to be measured from the edges of the tower to the property lines.

2. At building permit, the building official will determine if the tower is designed to higher EIA standards than required for this area based on documentation supplied by the applicant. If the determination is not granted, this approval shall be void since the tower will not be eligible for reduced setbacks per LDR Section 23.4-13 (c)(3)(B)(2).
3. Prior to the issuance of the building permit, the permit application will be reviewed for consistency with the standards in LDR Section 23.2-29(c)(3)(B).

#### **Public Works**

1. The issuance of any permits shall comply with all provisions of the Lake Worth Municipal Code and all other applicable standards including but not limited to the Florida Department of Transportation (FDOT), Manual on Uniform Traffic Control Devices (MUTCD), and City of Lake Worth Public Works Construction Standards and Policy and Procedure Manual.
2. No Certificate of Occupancy shall be granted until all conditions of approval have been satisfied under jurisdiction of the Department of Public Works.
3. In the event of a legal challenge to this approval, shall be responsible for all costs to defend the action of the city in approving any and all permits related to this application. Should the applicant fail to enter into an agreement fund the costs of litigation, the city, at its discretion, may rescind this approval and revoke all permits issued.
4. Prior to the issuance of a building permit, contact the Lake Worth Drainage (LWDD) District's Engineering Department and obtain any required permit(s), if necessary, and furnish to the City. Prior to the issuance of a building permit, contact the South Florida Water Management District's (SFWMD) Engineering Department and obtain any required permit(s), if necessary.
5. Prior to performing work in the right of way, apply for and receive issuance of a "Right of Way/Utility Permit" application.
6. Prior to the issuance of a Certificate of Occupancy, remove mulch in the City ROW along Crestwood Blvd. and replace with Bahia sod.
7. Prior to issuance of a certificate of occupancy, remove existing damaged sidewalk along Crestwood Blvd. and install new sidewalk in compliance with the Public Works Department's specifications and Policy and Procedure Manual.

#### **Electric Utilities**

1. The proposed monopole tower on the North West corner of the property is near a powerline. The electric utility requires a 15-foot horizontal clearance for safety between the monopole and any energized conductors or utility structure. Please include these dimensions in the site plan. This does not include the center of the tower.
2. Prior to the issuance of a building permit, the following actions shall be completed:
  - a. Provide load calculations and voltage requirements, including the electrical riser diagram with wire size and number of sets of wire.
3. Prior to the issuance of a Certificate of Occupancy, the following actions shall be completed:
  - a. The customer/builder will be responsible for installing any conduit at a minimum of 24 inches deep from the existing pole at the northeast corner of the property to the meter location.
  - b. The customer will be responsible for any labor and material costs for providing electric service for this project.
  - c. A final electrical inspection will be required.



**BOARD POTENTIAL MOTION:**

I move to **approve with conditions** of PZB Project #23-00500002 for a Major Site Plan, Conditional Use Permit, and Variance requests for the establishment of a 100-foot high monopole tower with additional site improvements upon the competent and substantial evidence provided in the staff report and in the testimony at the public hearing.

I move to **disapprove** PZB Project #23-00500002 for a Major Site Plan, Conditional Use Permit, and Variance requests for the establishment of a 100-foot high monopole tower with additional site improvements. The project does not meet the conditional use criteria for the following reasons [Board member please state reasons.].

***Consequent Action:*** *The Planning & Zoning Board's decision will be final decision for the Major Site Plan, Conditional Use Permit, and Variance. The Applicant may appeal the Board's decision to the City Commission except appeals from decisions pertaining to variances shall be appealed directly to circuit court*

**ATTACHMENTS**

- A. Qualitative Development Standards
- B. Conditional Use Findings
- C. Application Package (survey, site plan, architectural plans & supporting documents)

**ATTACHMENT A – Qualitative Development Standards**

Section 23.2-31(c) – Qualitative Development Standards	Analysis
<p><b>1. Harmonious and efficient organization.</b> All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of plot, the character of adjoining property and the type and size of buildings. The site shall be developed so as to not impede the normal and orderly development or improvement of surrounding property for uses permitted in these LDRs.</p>	<p><b>In Compliance</b></p>
<p><b>2. Preservation of natural conditions.</b> The natural (refer to landscape code, Article 6 of these LDRs) landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal and by such other site planning approaches as are appropriate. Terrain and vegetation shall not be disturbed in a manner likely to significantly increase either wind or water erosion within or adjacent to a development site. Natural detention areas and other means of natural vegetative filtration of stormwater runoff shall be used to minimize ground and surface water pollution, particularly adjacent to major waterbodies. Fertilizer/pesticide conditions may be attached to development adjacent to waterbodies. Marinas shall be permitted only in water with a mean low tide depth of four feet or more.</p>	<p><b>Not Applicable</b></p>
<p><b>3. Screening and buffering.</b> Fences, walls or vegetative screening shall be provided where needed and practical to protect residents and users from undesirable views, lighting, noise, odors or other adverse off-site effects, and to protect residents and users of off-site development from on-site adverse effects. This section may be interpreted to require screening and buffering in addition to that specifically required by other sections of these LDRs, but not less.</p>	<p><b>In compliance, as conditioned</b></p>
<p><b>4. Enhancement of residential privacy.</b> The site plan shall provide reasonable, visual and acoustical privacy for all dwelling units located therein and adjacent thereto. Fences, walls, barriers and vegetation shall be arranged for the protection and enhancement of property and to enhance the privacy of the occupants.</p>	<p><b>In compliance</b></p>
<p><b>5. Emergency access.</b> Structures and other site features shall be so arranged as to permit emergency vehicle access by some practical means to all sides of all buildings.</p>	<p><b>In compliance</b></p>
<p><b>6. Access to public ways.</b> All buildings, dwelling units and other facilities shall have safe and convenient access to a public street, walkway or other area dedicated to common use; curb cuts close to railroad crossings shall be avoided.</p>	<p><b>In compliance</b></p>
<p><b>7. Pedestrian circulation.</b> There shall be provided a pedestrian circulation system which is insulated as completely as reasonably possible from the vehicular circulation system.</p>	<p><b>In compliance</b></p>
<p><b>8. Design of ingress and egress drives.</b> The location, size and numbers of ingress and egress drives to the site will be arranged to minimize the negative impacts on public and private ways and on adjacent private property. Merging and turnout lanes traffic dividers shall be provided where they would significantly improve safety for vehicles and pedestrians.</p>	<p><b>In compliance</b></p>

- 9. Coordination of on-site circulation with off-site circulation.** *The arrangement of public or common ways for vehicular and pedestrian circulation shall be coordinated with the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Minor streets shall not be connected to major streets in such a way as to facilitate improper utilization.* **In compliance**
- 10. Design of on-site public right-of-way (ROW).** *On-site public street and rights-of-way shall be designed to for maximum efficiency. They shall occupy no more land than is required to provide access, nor shall they unnecessarily fragment development into small blocks. Large developments containing extensive public rights-of-way shall have said rights-of-way arranged in a hierarchy with local streets providing direct access to parcels and other streets providing no or limited access to parcels.* **Not applicable**
- 11. Off-street parking, loading and vehicular circulation areas.** *Off-street parking, loading and vehicular circulation areas shall be located, designed and screened to minimize the impact of noise, glare and odor on adjacent property.* **In compliance, as conditioned**
- 12. Refuse and service areas.** *Refuse and service areas shall be located, designed and screened to minimize the impact of noise, glare and odor on adjacent property.* **In compliance**
- 13. Protection of property values.** *The elements of the site plan shall be arranged so as to have minimum negative impact on the property values of adjoining property.* **In compliance**
- 14. Transitional development.** *Where the property being developed is located on the edge of the zoning district, the site plan shall be designed to provide for a harmonious transition between districts. Building exteriors shall complement other buildings in the vicinity in size, scale, mass, bulk, rhythm of openings and character. Consideration shall be given to a harmonious transition in height and design style so that the change in zoning districts is not accentuated. Additional consideration shall be given to complementary setbacks between the existing and proposed development.* **In compliance**
- 15. Consideration of future development.** *In finding whether or not the above standards are met, the review authority shall consider likely future development as well as existing development.* **In compliance**

Section 23.2-31(h) – Criteria for parking lots and vehicular use areas	Analysis
1. <i>Parking lots and other vehicular use areas are to be designed as an aesthetic asset to a neighborhood and to the building, group of buildings, or facility they serve. A parking lot is to be considered an outside space; a transitional space that is located between access areas (such as roads) and the building, group of buildings or other outside spaces which it serves. The parking lot, because it is viewed from above as well as at eye level, should be designed accordingly.</i>	<b>In compliance</b>
2. <i>Parking lots, vehicular use areas, and vehicles parked therein are to be effectively screened from the public view and from adjacent property in a manner that is attractive and compatible with safety, the neighborhood and the facility served.</i>	<b>In compliance</b>
3. <i>The responsibility for beautification and design of a parking lot is the same as that which a homeowner has to his residential lot. The atmosphere within a parking lot or vehicular use area is to be as pleasant and park-like as possible, rather than a harsh stand of paving. Trees are of primary importance to the landscape and are not to be minimized in either height or quantity. Trees impart</i>	<b>In compliance</b>

*a sense of three-dimensional space in a relatively flat area. Trees cast shadows that help to reduce the monotony of an expanse of paving and create a refuge from the tropical sun. Signs designating entrances, exits and regulations are to be of a tasteful design and shall be subject to review by the board. Consideration may be given to use of pavement which is varied in texture or color to designate lanes for automobile traffic, pedestrian walks and parking spaces. Brightly colored pavement is to be used with restraint. In order to create a pleasant atmosphere, it is recommended that consideration be given to sculpture, fountains, gardens, pools and benches. Design emphasis is to be given to the entrance and exit areas of the lot. Trash, refuse and unaesthetic storage and mechanical equipment shall be screened from the parking lot.*

*4. Lighting is to be designed for visual effects as well as safety and resistance to vandalism. Care should be taken not to create a nuisance to the neighborhood from brightness or glare. Low lights in modest scale can be used along with feature lighting emphasizing plants, trees, barriers, entrances and exits. The fixtures are to be selected for functional value and aesthetic quality. Fixtures should be regarded as "furniture of the parking lot" which are visible both day and night.*

**In compliance, as conditioned**

<b>Section 23.2-31(l) – Community Appearance Criteria</b>	<b>Analysis</b>
<p><i>1. The plan for the proposed structure or project is in conformity with good taste, good design, and in general contributes to the image of the city as a place of beauty, spaciousness, harmony, taste, fitness, broad vistas and high quality.</i></p>	<b>In compliance</b>
<p><i>2. The proposed structure or project is not, in its exterior design and appearance, of inferior quality such as to cause the nature of the local environment or evolving environment to materially depreciate in appearance and value.</i></p>	<b>In compliance</b>
<p><i>3. The proposed structure or project is in harmony with the proposed developments in the general area, with code requirements pertaining to site plan, signage and landscaping, and the comprehensive plan for the city, and with the criteria set forth herein.</i></p>	<b>In compliance</b>
<p><i>4. The proposed structure or project complies with this section and 23.2-29, Conditional Use Permits (CUP), as applicable.</i></p>	<b>In compliance</b>

**ATTACHMENT B - Findings for Granting Conditional Uses**

*Prior to approving any conditional use permit, the decision-making authority shall find based on competent and substantial evidence that the following criteria related to conditional uses are met:*

<b>Section 23.2-29(c)(3)(B) Communication Towers – Regulations and standards</b>	<b>Analysis</b>
<p><i>1. Construction. Communication towers must meet or exceed current construction standards established by the Electrical Industry Association (EIA) under fully loaded conditions.</i></p> <p><i>(a) Construction documents for communication towers must be signed and sealed by a Florida-registered structural engineer.</i></p> <p><i>(b) Construction documents must also be accompanied by a certification from a Florida-registered structural engineer stating that any tower failure will cause it to collapse within the confines of the designated site.</i></p> <p><i>(c) Towers and all associated equipment shall comply with all current Federal Communication Commission (FCC) standards and requirements.</i></p>	<b>In compliance, as conditioned</b>

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2. *Setbacks. The principal support structure of all communication towers shall conform to the minimum setback requirements of the district in which the tower is located. In addition, the following setback standards shall apply:*
- (a) *Communication towers shall be located to provide a minimum radius distance from the tower to all property lines equal to thirty-three (33) percent of the height of the tower. The building official may decrease the radius provided the tower is designed to higher EIA standards than required for this area. When a communication tower is erected upon a building or other structure, its base shall be the base of the communication structure, not the building or other structure on which it is mounted. Its height shall be measured from the finished grade.*
- (b) *Communication towers shall be set back a minimum of fifty (50) feet from any existing or planned public street right-of-way line.*
- (c) *Communication towers shall be set back a minimum of fifty (50) feet from any property line adjacent to a residential use or a residential zoned parcel.*
3. *Anchor location. Communication tower peripheral supports and guy anchors may be located within required yard setbacks, provided that they shall be located entirely within the boundaries of the property on which the tower is located and shall be located no closer than five (5) feet from the property line if the tower is adjacent to a single-family residential district or residential uses. All communication tower supports and peripheral anchors shall be set back a minimum of ten (10) feet from any existing or planned street right-of-way line.*
4. *Location of accessory structures. All structures accessory to a communication tower, other than peripheral guy anchors, shall conform to the setback standards for that district in which the tower is located. A communication tower shall be considered the principal use of the lot, whether or not said lot contains other principal uses. Communication towers may occupy a leased parcel on a lot meeting the minimum lot size requirements of the district in which it is located. Accessory equipment buildings shall be separated from each other by distances as required by the fire and building codes.*
5. *Fencing. A fence or wall not less than eight (8) feet in height from the finished grade shall be constructed around each communication tower and around each guy anchor (if used). Access to the tower shall be through a locked gate. Barbed wire shall be used along the top of the fence or wall if it is necessary to preclude unauthorized access to the tower.*
6. *Parking. All communication tower sites which require a full-time attendant or consumer visitation shall provide a minimum of three (3) parking spaces or one (1) space per employee on the shift of greatest employment plus one (1) space per one thousand (1,000) square feet of building floor area, whichever is greater.*
7. *High voltage signs. If high voltage is necessary for the operation of the communication tower and it is present in a ground grid or in the tower, signs shall be located every twenty (20) feet and attached to the fence or wall. The sign shall display in large bold letters the following: "HIGH VOLTAGE DANGER."*
8. *Landscaping and buffer. Landscaping and buffering shall be installed on the property in accordance with section 23.6-1. Landscaping and buffering shall also be required around the perimeter of the tower and any accessory structures, including guy anchors, except that this*
- In compliance, as conditioned**
- Not applicable, the proposal is for a monopole tower**
- In compliance, as conditioned**
- In compliance**
- In compliance**
- In compliance, as conditioned**
- In compliance**

*requirement shall be waived when the base of the tower is not visible from the street. Landscaping shall be installed on the outside of all fences.*

- 9. *Aircraft hazard. Communication towers shall not encroach into or through any established public or private airport approach path as established by the Federal Aviation Administration. If so located, FAA approval shall be provided to the city indicating maximum allowable height.* **In compliance, as conditioned**
- 10. *Removal of unused towers. All obsolete or unused commercial communication towers shall be removed within six (6) months of use cessation. All existing towers that have ceased operation as of the effective date of the ordinance from which this chapter is derived shall be removed by no later than January 1, 2015.* **In compliance, as conditioned**
- 11. *Shared use. To encourage shared or combined use; all proposed communication tower applicants shall provide notice by certified mail to all other potential users, indicating the location, height, general rate structure and all other pertinent information. The potential users shall respond to the applicant's offer for shared space within twenty (20) days by certified mail, indicating their intent to co-locate or reasons why shared use is not feasible. Copies of each notice and response shall be supplied to the building, planning and zoning department prior to building permit issuance.* **In compliance, as conditioned**
- 12. *Deed and leasehold restrictions. The applicant shall prohibit any restrictions being inserted into the deed or lease that will limit the site to a single user. A copy of the deed or lease shall be submitted with the building permit application. Failure to comply with this provision shall automatically nullify the special land use approval.* **In compliance, as conditioned**
- 13. *Tower separation. In order to enhance community appearance, communication towers shall be separated by a minimum distance of one-half (½) mile from one another. This distance may be waived by the city commission, upon recommendation of the appropriate regulatory board, only after the applicant's structural engineer submits a signed and sealed statement documenting that there are structural problems and a new combined tower at the existing location is not economically feasible.* **In compliance**

<b>Section 23.2-29(d) General findings relating to harmony with LDRs and protection of public interest.</b>	<b>Analysis</b>
1. <i>The conditional use exactly as proposed at the location where proposed will be in harmony with the uses which, under these LDRs and the future land use element, are most likely to occur in the immediate area where located.</i>	<b>In compliance</b>
2. <i>The conditional use exactly as proposed at the location where proposed will be in harmony with existing uses in the immediate area where located.</i>	<b>In compliance</b>
3. <i>The conditional use exactly as proposed will not result in substantially less public benefit or greater harm than would result from use of the site for some use permitted by right or some other conditional use permitted on the site.</i>	<b>In compliance</b>
4. <i>The conditional use exactly as proposed will not result in more intensive development in advance of when such development is approved by the future land use element of the comprehensive plan.</i>	<b>In compliance</b>



Section 23.2-29(e) Specific findings for all conditional uses.	Analysis
1. <i>The proposed conditional use will not generate traffic volumes or movements which will result in a significant adverse impact or reduce the level of service provided on any street to a level lower than would result from a development permitted by right.</i>	<b>In compliance</b>
2. <i>The proposed conditional use will not result in a significantly greater amount of through traffic on local streets than would result from a development permitted by right and is appropriately located with respect to collector and arterial streets</i>	<b>In compliance</b>
3. <i>The proposed conditional use will not produce significant air pollution emissions, or will appropriately mitigate anticipated emissions to a level compatible with that which would result from a development permitted by right.</i>	<b>In compliance</b>
4. <i>The proposed conditional use will be so located in relation to the thoroughfare system that neither extension nor enlargement nor any other alteration of that system in a manner resulting in higher net public cost or earlier incursion of public cost than would result from development permitted by right.</i>	<b>In compliance</b>
5. <i>The proposed conditional use will be so located in relation to water lines, sanitary sewers, storm sewers, surface drainage systems and other utility systems that neither extension nor enlargement nor any other alteration of such systems in a manner resulting in higher net public cost or earlier incursion of public cost than would result from development permitted by right.</i>	<b>In compliance</b>
6. <i>The proposed conditional use will not place a demand on municipal police or fire protection service beyond the capacity of those services, except that the proposed facility may place a demand on municipal police or fire protection services which does not exceed that likely to result from a development permitted by right.</i>	<b>In compliance</b>
7. <i>The proposed conditional use will not generate significant noise, or will appropriately mitigate anticipated noise to a level compatible with that which would result from a development permitted by right. Any proposed use must meet all the requirements and stipulations set forth in section 15.24, Noise control.</i>	<b>In compliance</b>
8. <i>The proposed conditional use will not generate light or glare which encroaches onto any residential property in excess of that allowed in section 23.4-10, Exterior lighting.</i>	<b>In compliance, as conditioned</b>