

# Sumter City-County Planning Commission

October 22, 2014

## OA-14-10/OA-14-11, Cellular Tower Height (City/County)

### I. THE REQUEST

**Applicant:** Jonathan Teseniar, FTC

**Request:** City: Request to amend Article 5, Section 5.b.4.a.1 and Article 5, Section 5.b.4.g.2 regulating cell tower height in residentially zoned districts in order to delete the maximum 100 foot tower height.

County: Request to amend Article 5, Section 5.b.4.a.1 and Article 5.b.4.g.2 regulating cell tower height in residentially zoned districts in order to delete the maximum 100 foot tower height.

### II. BACKGROUND

This Ordinance amendment has been initiated by Farmers Telephone Company. They wish to install a communications tower on the Country Club property, which is zoned Residential-15. Under the current regulations, cellular towers in all residential districts have a maximum at 100 ft. in height with no ability for the Board of Appeals to grant a height variance. With changes in how people use cellular telephones and hand-held devices, there has been an increased demand for cellular network capacity in and around residential areas. As part of meeting this demand and to limit the number of towers needed, Farmers Telephone and other wireless providers seek to build taller towers that cover a larger distance. As such, generally a tower needs to be taller than 100 feet to provide the desired coverage, particularly in high user areas such as residentially zoned neighborhoods. The current regulations are stated below:

Article 5, Section 5.b.4 states:

*a. Districts in which communication towers and antennas are conditionally permitted with specified height limitations:*

*1. Residential: Towers and antennas are always special exceptions in all residential districts subject to 1.h.4.c. of this ordinance and must be approved by the Board of Appeals. **If allowed, a free standing or guyed tower or antenna shall not exceed one hundred (100 ft) feet in height;***

Article 5, Section 5.b.4 states:

- g. Special Exception: A tower, pole, or antenna may be permitted by Special Exception together with the findings considered in Section 1.h.4.c. after a public hearing along with the following criteria:*

*2. If additional tower height is required, the total tower height will not exceed one hundred-fifty (150%) percent of the maximum height permitted in the district. **The absolute maximum in residential districts is one hundred (100 ft) feet.** In unincorporated portions of Sumter County, radio and television towers are exempt at the Board of Appeals from tower height limits (this rule does not apply within the corporate limits of the City of Sumter).*

The sections noted in **Bold** above are the sections requesting to be deleted from the City and County Zoning Ordinance.

By Ordinance, all new communication towers in residentially zoned parcels are required to receive approval as Special Exceptions subject to 1.h.4.c from the Board of Zoning Appeals. They are also required to meet Article 5, Section 5.b.4.d Tower Application (Items 1-10) and Section 5.b.4.e Conditions (Items 1-12). **See Attached Ordinance Sections.**

Due to the potential impacts associated with this use, additional reviews and standards were implemented by City and County Councils.

These sections of the Ordinance already offer special review criteria for any proposed cell tower to include dimensional requirements which would include reviewing the tower height. The Ordinance also requires necessity for location in a residential district. The applicant must show that the portion of the City or County intended for coverage can not be adequately served by a communication tower placed in a non residential district for valid technical reasons.

Therefore, the applicant requests removing the 100 foot height restriction in residentially zoned areas. As a Special Exception, the Board of Zoning Appeals may review tower height and place reasonable conditions at the time that a new tower application is reviewed through the public hearing process.

### **III. DRAFT ORDINANCE AMENDMENT**

Current Ordinance

*5.b.4.a. Districts in which communication towers and antennas are conditionally permitted with specified height limitations:*

- 1. Residential: Towers and antennas are always special exceptions in all residential districts subject to 1.h.4.c. of this ordinance and must be approved by the Board of Appeals. If allowed, a free standing or guyed tower or antenna shall not exceed one hundred (100 ft) feet in height;*

Amended Ordinance

5.b.4.a. Districts in which communication towers and antennas are conditionally permitted with specified height limitations:

- 1. Residential: Towers and antennas are always special exceptions in all residential districts subject to 1.h.4.c. of this ordinance and must be approved by the Board of Appeals. ~~If allowed, a free standing or guyed tower or antenna shall not exceed one hundred (100 ft) feet in height;~~

Current Ordinance

5.b.4.g. Special Exception: A tower, pole, or antenna may be permitted by Special Exception together with the findings considered in Section 1.h.4.c. after a public hearing along with the following criteria:

- 2. If additional tower height is required, the total tower height will not exceed one hundred-fifty (150%) percent of the maximum height permitted in the district. The absolute maximum in residential districts is one hundred (100 ft) feet. In unincorporated portions of Sumter County, radio and television towers are exempt at the Board of Appeals from tower height limits (this rule does not apply within the corporate limits of the City of Sumter).

Amended Ordinance

g. Special Exception: A tower, pole, or antenna may be permitted by Special Exception together with the findings considered in Section 1.h.4.c. after a public hearing along with the following criteria:

- 2. If additional tower height is required, the total tower height will not exceed one hundred-fifty (150%) percent of the maximum height permitted in the district. ~~The absolute maximum in residential districts is one hundred (100 ft) feet.~~ In unincorporated portions of Sumter County, radio and television towers are exempt at the Board of Appeals from tower height limits (this rule does not apply within the corporate limits of the City of Sumter).

**IV. STAFF RECOMMENDATION**

Staff has reviewed this application and recommends approval. There are sufficient regulations for reviewing and criteria for determining the appropriate height for a communications tower without restricting to 100 feet.

**V. PLANNING COMMISSION – OCTOBER 22, 2014**

The Sumter City-County Planning Commission at its meeting on Wednesday, October, 22, 2014, voted to recommend approval of this request as presented by Staff.

**VI. CITY COUNCIL – NOVEMBER 18, 2014 – FIRST READING/PUBLIC HEARING**

**VII. COUNTY COUNCIL – NOVEMBER 11, 2014 – FIRST READING**