

# POLK COUNTY DEVELOPMENT REVIEW COMMITTEE STAFF REPORT

<b>DRC Date:</b>	January 29, 2026	<b>Level of Review:</b>	Level 4 Review
<b>PC Date:</b>	February 4, 2026	<b>Type:</b>	LDC Text Amendment
<b>BoCC Date:</b>	March 3, 2026	<b>Case Numbers:</b>	LDCT-2025-25
	March 17, 2026	<b>Case Name:</b>	Communication Towers
<b>Applicant:</b>	Polk County	<b>Case Planner:</b>	Ian Nance

<b>Request:</b>	A County-initiated LDC Text Amendment to multiple sections of the Code to lower the levels of review for monopole communication towers in non-residential districts; modify conditional use standards for communication towers; add provisions for mobile communication towers; and update glossary.
<b>DRC Recommendation:</b>	Approval
<b>Planning Commission Vote:</b>	Pending

## Among the changes to Section 205, Use Table:

- Lower the level of review from “C3” to “C2” for Monopole Communication Towers in Linear Commercial Corridor (LCC) and Leisure Recreation (L/R) future land use districts.
- Add Monopole Communication Towers as a “C2” use in the Neighborhood Activity Center (NAC) future land use district.

## Among the changes to Section 303, Criteria for Conditional Uses:

- Remove outdated criteria including application requirements, requirements for annual reports, search ring standards for the placement of towers, redundant Planning Commission criteria.
- Adding criteria for Mobile Communication Towers that are necessary for providing continuing services while an existing tower is being repaired or replaced.

## Among the Changes to Chapter 4, Special Districts:

- I-4 Selected Area Plan (SAP) – Lowering the level of review from “C3” to “C2” for Monopole Communication Towers in LCCX and Community Activity Center (CACX) future land use districts.
- Ronald Reagan SAP – Adding Monopole Communication Towers as a “C2” use in NAC.

- US 27 SAP – Adding Monopole Communication Towers as a “C3” conditional use in Residential future land use districts to be consistent with the level of review elsewhere in the County. Adding Monopole Communication Towers as a “C2” conditional use in NAC. Lowering level of review for Monopole Communication Towers from “C3” to “C2” in Regional Activity Center (RACX), Professional Institution (PIX), and L/RX future land use districts.
- US 98 SAP - Lowering the level of review from “C3” to “C2” for Monopole Communication Towers in Employment Center (ECX); Commercial Enclave (CEX); LCCX, and L/RX future land use districts.
- North Ridge SAP – Adding Monopole Communication Tower as “C2” conditional uses in CEX and NACX future land use districts. Lowering the level of review from “C3” to “C2” for Monopole Communication Towers in LCCX, L/RX, and ECX future land use districts.
- Southeast Polk SAP - Adding Monopole Communication Tower as a “C2” conditional use in CEX, NACX, and Tourist Commercial Center (TCCX) future land use districts. Lowering level of review from “C3” to “C2” for Monopole Communication Towers in Rural Cluster Center (RCCX), CEX, LCCX, and L/RX future land use districts.
- Wahneta Neighborhood Plan - Adding Monopole Communication Tower as “C2” conditional uses in CEX and NACX future land use districts. Lowering level of review from “C3” to “C2” for Monopole Communication Towers in LCCX future land use districts.

#### **Among the Changes to Chapter 5, Green Swamp ACSC:**

- Adding Monopole Communication Tower as “C2” conditional uses in CEX future land use districts. Lowering level of review from “C3” to “C2” for Monopole Communication Towers in LCCX and L/RX future land use districts.

#### **Among the Changes to Chapter 10, Definitions:**

- Adding definition for Mobile Communication Tower.

#### **Summary:**

Land Development Code (LDC) policies for Communication Towers were adopted prior to the adoption of the Code and are outdated. Cellular and data transmission have become critical components of modern infrastructure, and recent cases have prompted staff to review current standards.

Primary changes involve amending conditional use criteria in Section 303 to remove redundant standards. For instance, current language requires applicants for a Level 2 Review to submit 12 sets of plans for review; applicants for Level 3 Reviews are required to submit 17 sets. This standard has become antiquated with electronic submissions and updated LDC requirements for

Level 2 and 3 Review applications. Conditions require a special set of criteria for Planning Commission approval of Level 3 applications, which are also outdated by Code updates.

While amending this, staff has recognized an opportunity to add provisions for Mobile Communication Towers. Essentially, towers hauled onto a site through a truck or trailer are occasionally needed for the repair or replacement of existing towers. The LDC currently has no standards to allow these.

Finally, and as shown above, staff is lowering the levels of review for monopole towers in non-residential districts, not including Preservation or Recreation/Open Space. Most non-residential districts are located within the Transit Supportive Development Area (TSDA) or Urban Growth Area (UGA) where cellular services are critical. Monopole towers require a small footprint and are not as visually unappealing as lattice or guyed towers. Provisions remain in Section 303 that towers must remain at least their height away from residential property lines, or Planning Commission approval is required.

### **Relevant Sections, Policies, and/or Regulations to Consider:**

Comprehensive Plan Policy 2.125-D Utilities

LDC Table 2.1 Use Table

LDC Section 303 Conditional Use Criteria

LDC Chapter 4 Special Districts Use Tables

LDC Section 905 Level 2 Reviews

LDC Section 906 Level 3 Reviews

LDC Chapter 10 Definitions

### **Findings of Fact**

- *A County-initiated LDC Text Amendment to multiple sections of the Code to lower the levels of review for monopole communication towers in non-residential districts; modify conditional use standards for communication towers; add provisions for mobile communication towers; and update glossary.*
- *Comprehensive Plan Policy 2.125-D Utilities states, The following utility facilities shall be permitted throughout the County in all land use classifications, subject to County approval, to support existing and proposed development:*
  - a. *water and sewer transmission and treatment facilities, including, without limitation, collection and distribution mains, water and sewerage-treatment facilities, and pumping facilities;*
  - b. *electrical-transmission and distribution facilities including, without limitation, electrical transmission lines, substations, and related electrical-distribution facilities;*

- c. *communications facilities, including, without limitation, radio towers and microwave transmission facilities, (subject to other restrictions within the Plan or the County's Land Development Code);*
  - d. *public potable wells and temporary or permanent package treatment plants; and*
  - e. *natural-gas and liquefied-fuel pipelines.*
- *LDC Chapter 10 defines Communication Facility as “the use of land, buildings or structures for the above ground transmission and reception of television, radio, or wireless telephone communications including all transmitting and receiving towers, dishes and antennae.”*
  - *LDC Chapter 10 defines Communication Tower as “Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including lattice towers, guyed towers and monopole towers. The term includes, without exclusion, radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers and camouflaged towers. The term does not include structures which are utilized solely by amateur radio operators licensed by the FCC. For the purposes of applying the height thresholds and setback requirements of this Section, antennas which add to the height of a communication tower shall be considered a part of the communication tower. Communication towers are further classified as Monopole, Lattice, and Guyed Towers.”*
  - *LDC Chapter 10 defines Tower as, “an engineered structure designed to be placed on foundations or on another structure, constructed to a given height, fabricated to withstand the minimum wind loads and for the purpose of communication, TV transmission, microwave, radar or any other useful purpose.”*
  - *LDC Chapter 10 defines Guyed Tower as, “any Guyed Tower structure that is designed and constructed primarily for the purpose of supporting one or more antennas. Specifically, a Guyed Tower is a Communication tower which is anchored with guy wires.”*
  - *LDC Chapter 10 defines Lattice Tower as, “any lattice tower structure that is designed and constructed primarily for the purpose of supporting one or more antennas. Specifically, a lattice tower is a communication tower which is self-supporting and which has three or more sides of open-framed supports.*
  - *LDC Chapter 10 defines Monopole Tower as, “any monopole structure that is designed and constructed primarily for the purpose of supporting one or more antennas. Specifically, a monopole tower is a single, self-supporting Communication tower of spin-cast concrete, concrete, steel or similar materials having a solid appearance and containing no guy wires.”*

- *LDC Section 303 provides conditional use criteria necessary for the approval of communication towers. Required documentation includes:*
  1. *The tower manufacturer's product specifications indicating that the tower will satisfy all standards imposed by the American National Standards Institute (ANSI);*
  2. *a certification that no antennas to be placed on the structure will cause significant interference with a public safety system or with the usual and customary transmission or reception of radio, television and other customary services enjoyed by adjacent residential and non-residential properties.*
  3. *a lease or other contract between the tower applicant and a telecommunication service provider for placement of an antenna on the tower upon approval and construction of the tower*
  4. *a map depicting all structures within the applicant's search ring equal to or greater than 75 percent of the height represented by the applicant as being required for its proposed tower, along with an affidavit indicating whether or not such structures are available or sufficient to accommodate the applicant's proposed antenna; and,*
  5. *an affidavit certifying that all requirements of the Joint Airport Zoning Board have been satisfied and indicating the status of any FAA applications for the proposed tower.*
- *According to LDC Section 303, the following standards apply:*
  1. *With the exception of concrete communication towers, all communication towers shall have either a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.*
  2. *To the extent possible, communication towers and their support facilities shall be designed with materials, colors, textures, screening, and landscaping that will blend the communication tower with its surrounding environment.*
  3. *Communication towers shall not be artificially lighted unless required by the FAA or any other authority with jurisdiction. If lighting is required, strobe lighting shall be utilized during daylight hours only and red lighting shall be utilized at night unless another form of lighting is required by the FAA or any other authority with jurisdiction.*
  4. *Communication towers shall be enclosed by security fencing not less than six feet in height. Access to communication towers shall be through a lockable gate.*
  5. *The visual impacts of communication towers on nearby viewers shall be mitigated to the extent reasonably possible. At a minimum, a row of trees at least six feet tall at planting shall be planted around the perimeter of the fence to the property and a continuous hedge at least 30 inches high at planting and capable of growing to at least 36 inches in height within 18 months shall be planted in front of the tree line referenced,*

*together providing for an opacity at planting of 60 percent and achieving 100 percent opacity within two years of planting. The required opacity shall be achieved to a height of six feet. All landscaping shall be of an evergreen variety (non-deciduous), except that existing native vegetation shall be preserved if sufficient to meet opacity requirements. The required landscaping shall be located on the outside of the fence to the property. Landscaping requirements may be waived for those sides of a communication tower that are adjacent to undevelopable property or that are not otherwise visible from off-site.*

- 6. *Communication towers shall be set back a distance equal to one times (1x) the height of the communication tower from any off-site residential Future Land Use designation or the property line of any off-site residential structure. Setbacks shall be measured from the base of the communication tower. For the purposes of this provision, the Land Use designation of Agriculture/Residential Rural (A/RR) shall not be considered a residential Future Land Use designation.***
- *On March 11, 1997, the BoCC adopted a moratorium (Ordinance 97-02) on the approval of Conditional Use Permits for Communication Towers until May 1, 1997, to allow County staff a chance to review standards for Communication Towers.*
- *On October 14, 1997, the BoCC adopted Ordinance 97-41 which provided conditions of approval for Communication Towers. This was repealed with the adoption of the Land Development Code.*
- *LDC Section 912 allows any property owner, BoCC, or agency to apply to the Department to amend the text of this Code, the text of the Comprehensive Plan, or the Future Land Use Map Series (FLUMS) in compliance with procedures prescribed by the Department.*
- *This application has been reviewed for consistency with applicable Comprehensive Plan and LDC policies.*

The Land Development Division, based on the information provided with the proposed text amendment application, finds that the proposed text change request is **CONSISTENT** with the Polk County Land Development Code and the Polk County Comprehensive Plan. Staff recommends **Approval of LDCT-2025-25**.

### **Analysis:**

LDCU-2022-51 was approved by the Planning Commission on May 3, 2023, by a 7-0 vote with no special conditions of approval. The request was for a 125-foot monopole communication tower in the Linear Commercial Corridor (LCC) and Transit Supportive Development Area (TSDA) on a leased property within a developed self-storage facility adjacent to US 27 and north of Haines City. The distance from the nearest residential property easily exceeded the height of the tower, a provision within the Code that would have triggered a Level 3 Review had the opposite been true. The only reason it went to hearing was because the use was designated as a “C3” in LCC.

This case caused staff to examine where these uses are allowed through administrative approval. While LCC districts are typically adjacent to residential uses, cases like the one above needlessly went through a hearing in an area of the County where cellular and data transmissions are necessary components of modern infrastructure. After the approval, the applicant was required to re-submit the same sets of plans for the Level 2 Review, creating an unwarranted burden on them and on staff for review.

This amendment will lower the level of review in all non-residential districts where monopole towers are currently listed as “C3” uses to “C2” conditional uses, except for Preservation and Recreation/Open Space. Despite this, Code language does require setbacks from residential properties of at least the height of the tower, otherwise Planning Commission approval is still required.

Staff restricted this change to monopole towers, rather than guyed or lattice towers, because of their relatively limited impacts on surrounding uses. These facilities are usually sited within leased areas on other properties. While the monopole tower itself may only measure 4-5 feet in diameter, security enclosures that house the tower and support facilities are usually small, too. In the case above, the entire leased area was 2,400 sq. ft. Guyed and lattice towers have a larger footprint and create more of a visual impact than monopole versions.

Furthermore, Section 303 requires landscaping, and prohibits signage and lighting beyond what is required for safety and regulated by other agencies, which all contribute to providing compatibility with surrounding uses. This amendment will also modernize Section 303 and make it more user-friendly. The current code language dates to 1997 through an ordinance adopted by the Board prior to the adoption of the LDC. This amendment will strike outdated language that includes providing instructions on submitting documents for review; instituting criteria for the Planning Commission to consider when reviewing Communication Towers; requiring the submittal of Annual Reports to Land Development; as well as adopting tools required for staff to consider such as a search ring.

The first two standards are being removed because of redundancy and conflict with LDC Chapter 9 criteria for Level 2 and 3 Review submissions. Thirdly, annual reports have not been collected by staff and are unnecessary. The last item involving a “search ring” required of applicants to show how many towers were within a given area is not clearly detailed with what the target area should be and what staff should do with the answer. In addition, since 1997, communication towers have become essential infrastructure – an arbitrary search radius should not impede the provision of necessary coverage.

Finally, staff was approached over the summer with an issue involving the use of Mobile Communication Towers that were needed to provide services while two existing towers were being repaired and replaced in northwest Polk County. One tower provided three crucial signals - AT&T service, E-911 Service, and service for FIRSTNET, the Florida carrier for the Police, Fire and First Responders network which is also used by Customs and Border Protection, FBI, FEMA and other governmental agencies.

Staff cobbled together other provisions within the Code involving commercial vehicles and temporary uses to allow the request to move forward in a prompt manner, but this amendment will

add LDC standards to clearly allow these in future situations. As existing towers age, these will be needed to support cellular and data capabilities for personal use and emergency services. Staff has reviewed Land Development regulations in surrounding counties, notably Hillsborough and Orange, and has not found any regulations pertaining to Mobile Communication Towers, though it is anticipated other municipalities will adopt similar provisions in the future.

### **Benefit-cost Analysis of the Amendment**

#### *Who does it help?*

This amendment modernizes application requirements for applicants as well as lowers the level of review for proposed monopole towers in non-residential districts. This reduces the time burden on staff by eliminating Level 3 Reviews in areas where compatibility issues are not a prominent concern. The Mobile Communication Towers portion allows for uninterrupted service.

#### *Who does it hurt?*

This will remove the public input process for Monopole Towers in non-residential districts; however, Planning Commission approval will still be required when a tower is within a certain distance of residential property, regardless of if it is sited in a non-residential district. Therefore, no harm is anticipated with this request.

#### *What is the cost?*

Staff finds the cost to be minimal. The Planning Commission hears 2-3 of these cases per year, on average. The application fee for a Level 3 Conditional Use is \$4,023 plus an advertising fee of \$450. This will save the applicant these fees, though Level 2 Review fees will still be assessed (> \$5,000 for Communication Towers).

### **Limits of the Proposed Ordinance**

This amendment applies to most non-residential parcels within the unincorporated areas of the County, including the Green Swamp Area of Critical State Concern. Levels of review for Communication Towers in Residential districts will not change, remaining “C3” conditional uses. Agricultural/Residential Rural, for purposes of Communication Towers, is not considered residential.

The Florida Department of Commerce requires a 45-day review on all policy changes affecting development in the Green Swamp Area of Critical State Concern regardless of whether it has a direct relationship to the primary purpose of the Critical Area, which is aquifer recharge and protection. Therefore, this request will be reviewed by the state prior to becoming effective. Staff believes that this amendment will have no impact on the Critical Area since it does not change the effect of the current code.



### **Consistency with the Comprehensive Plan & Land Development Code**

The request is consistent with the Comprehensive Plan and the Land Development Code. Comprehensive Plan Policy 2.125-D allows communication facilities in all future land use districts, subject to LDC guidelines.

**Comments from Other Agencies:** This text amendment was reviewed by members of the Development Review Committee without further comment.

**Draft Ordinance:** Under separate attachment