



BOARD OF COUNTY COMMISSIONERS

Planning and Development

2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, Florida 32940
Phone 321-633-2070

NOTICE TO APPLICANTS FOR A CONDITIONAL USE PERMIT FOR WIRELESS TELECOMMUNICATION FACILITIES AND BROADCAST TOWERS

Applicants seeking a CUP (Conditional Use Permit) for a new tower pursuant to Section 62-1953 are hereby advised that new regulations have gone into effect as of October 2, 2014. A copy of Section 62-1953 and Chapter 62, Division 7, as revised, can be provided upon request.

In order to evaluate technical necessity for new towers, Brevard County may engage the services of a Consultant. Section 62-2451(1)(b)(iii) states all applicants seeking to erect new towers that require a CUP, "Shall demonstrate to the reasonable satisfaction of the County that no existing or approved tower or structure, irrespective of municipal and county jurisdictional boundaries, can accommodate the applicant's proposed antenna." Evidence submitted to demonstrate that no existing or approved tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:

- A. No existing or approved towers or structures located within the required geographic area meet the applicant's engineering requirements.
- B. Existing or approved towers or structures do not have sufficient height to meet the applicant's engineering requirements.
- C. Existing or approved towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.
- D. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing or approved towers or structures, or the antenna on the existing or approved towers or structures, would cause interference with the applicant's proposed antenna.
- E. The fee, costs, or contractual provisions required by the owner in order to share an existing or approved tower or structure or to adapt an existing or approved tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
- F. The applicant demonstrates there are other limiting factors that render existing and/or approved towers and structures unsuitable, as documented by a qualified and licensed professional electrical engineer, as applicable.

The procedures outlined on the next pages will be followed in processing your CUP application. All required submittals must be provided at the time of filing your application. Incomplete applications will not be accepted. Due to their complexity, applications for towers and antennas will not be accepted without an appointment. Please call 321-633-2070 to schedule an appointment.

Scheduling of Public Hearing Dates:

Public hearings will not be scheduled until the submittal is found by the County or its consultant to be complete and sufficient for review. Upon being found complete, the application will be scheduled for public hearings in a manner that provides the consultant and the County sufficient time to complete the review. The applicant will be given written notice of the hearing dates.

Deposit for Consultant Services:

In addition to the CUP (Conditional Use Permit) related fees, a \$6,934.00 deposit will be collected for consultant services at the same time the zoning hearing application is submitted. Upon receipt of the application, the consultant will prepare a scope of services and fees associated with reviewing the tower application and appearing at the public hearing. In the event costs incurred by the consultant for services are less than \$6,934.00, a refund of unused monies may be requested by the applicant following final action by the Board of County Commissioners. In the event fees exceed \$6,934.00, the applicant will be notified of additional fees. Payment of such additional fees will be the responsibility of the applicant. Payment shall be made to the County prior to the consultant undertaking the review of the application. Failure to pay such additional fees will delay County action on your application. Fees delinquent in excess of 45 days after granting authorization to proceed will render your application withdrawn and all fees and/or deposits paid for the application shall be forfeited. Please note that payment of consultant review fees does not assure approval of your application by the Board of County Commissioners. Denial of an application by the Board of County Commissioners does not serve as a basis for a refund of payments made by the applicant.

Required Submittals:

Completed zoning application along with all required documents, and a completed CUP worksheet.

Additionally, one set of each of the following exhibits must be provided and clearly labeled for submission.

Exhibit 1 - Site Plan.

Submit full-sized reproducible fully dimensioned site plans, signed and sealed by a registered land surveyor, engineer, or architect. The site plan must show all existing and proposed structures on the property including the tower and equipment building(s), structure heights, parking, ingress/egress, landscaping, refuse, screening or buffering, and stormwater retention areas as well as tower elevations from the front, rear, and sides, including height, style, and number of antennas to be installed. The legend shall include NAD83 latitude and longitude of the proposed tower and State Plan Coordinates.

Exhibit 2 - Visual Impact Analysis.

Submittal must demonstrate to the Board of County Commissioners the visual impact of the proposed tower. Renderings or other graphic techniques must show the tower in an elevation perspective and proposed buffering within the setting of the surrounding environs.

Exhibit 3 - Compliance with FAA (Federal Aviation Administration) Requirements.

Submittal must show proof of compliance with FAA requirements. Additionally, towers subject to Airport Restrictions per Article VI, Division 6, Subdivision II of the Brevard County Land Development Regulations shall include a letter from the FAA indicating compliance with said requirements.

Exhibit 4 - Service Coverage Area.

Submittal must provide a scaled map or map series delineating the boundaries of the required geographic area for which service coverage must be provided inclusive of city jurisdictions.

Exhibit 5(a) - Statement of Necessity of Requested Tower.

Submittal must include a report explaining why the proposed location is necessary. The statement shall include a description of the deficiencies in the existing service (coverage and/or capacity) and how the proposed facility will correct these deficiencies.

Exhibit 5(b) - Statement of Necessity for Requested Tower Height.

Submittal must include a report explaining why the proposed overall tower height is necessary.

Exhibit 5(c) - Results of the Quarter-Mile Radii Search.

Submittal must demonstrate why the existing/approved towers/structures within the quarter-mile radii search ring cannot be used to meet the applicant's requirements.

Exhibit 6 - Information on Designed Co-Locations.

Submittal must provide clear technical analysis and supporting information justifying how many additional carriers, co-locations, and antennas can be supported on the proposed tower certified by a licensed Florida Professional Engineer.

Exhibit 7 - Analysis of Impact of Requested Waivers.

For applications where a waiver for maximum height, Section 62-1953(2), or a less preferred design standard is requested, Section 62-2451, supporting information such as written certification or an affidavit must be provided by a radio frequency engineer licensed in the State of Florida.

The County and its consultant reserve the right to request additional information due to circumstances which may be unique to a specific application. **It is required that all applicants meet with Planning and Development staff prior to submitting their CUP (Conditional Use Permit) application in order to determine if special submittals will be required by the County. Additional requirements of the consultant may be unknown until such time the consultant's evaluations of the application is undertaken.**

In the event the consultant determines additional documentation is necessary, the applicant will be contacted by the County for same.

Public Hearing Process:

Once the consultant's review is complete, the findings will be forwarded to the Planning and Development Department for inclusion in staff's comments to the Planning and Zoning Board and the Board of County Commissioners. A copy of the consultant's finding and staff's comments will be made available to the applicant prior to the hearing. At this point, the application will follow the typical zoning hearing process.

By signature below, the applicant acknowledges this notice has been received.

Applicant Signature

Date