

# STAFF REPORT

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**HEARINGS:** Planning & Zoning Commission: October 9, 2023  
Board of County Commissioners: November 14, 2023

**APPLICANT:** American Tower Corporation

**FILE NUMBER:** H-23-37

**REQUEST:** Revision to a PSFOD (Public Service Facility Overlay District) for a Communication Tower

**GENERAL LOCATION:** East side of Lockhart Road, west of I-75 and south of the Trilby Crossing Subdivision

**PARCEL KEY NUMBER:** 541364

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## APPLICANT'S REQUEST

The petitioner is requesting a revision to a Public Service Facility Overlay District for a Communication Tower to bring the existing 280' guyed tower into conformance. The tower was approved on May 2, 1995 (H-95-09) and at the time was approved for 250'; however, was constructed at 280'. During the Fall of 2022, several wireless providers submitted building permit applications to collocate their antennas and ground equipment at the subject location. At such time it was discovered that the original BCC zoning approval was for 250' and the tower height constructed, permitted and CO'd exceeded the approved height of 250'. Additionally, The FAA recently issued a Determination of No Hazard for 289', which exceeds the existing constructed height.

## SITE CHARACTERISTICS

**Site Size:** 5.94-acre PSFOD portion of a 132.70 acre parent parcel

**Surrounding Zoning & Land Uses:**

North:	PDP(SF); Single Family
South:	PDP(GC); Commercial
East:	I-75
West:	AG; Utilities

**Current Zoning:** AG (Agricultural)

**Future Land Use Map Designation:** I-75 Planned Development District

## LAND USE REVIEW

The requested revision to the PSFOD (Public Service Facility Overlay District) will not change the existing conditions of the tower but will instead bring an existing tower into conformance with the County's performance conditions.

## COMPREHENSIVE PLAN REVIEW

The petitioner's request for a 280' high guyed communication tower and associated operational equipment is located within a I-75 Planned Development District on the adopted Future Land Use Map. Communication towers are considered public service facility uses and/or structures which are allowable in any future land use category.

## FINDINGS OF FACT

The request for a Revision to a Public Service Facility Overlay District for a Communication Tower is appropriate based on the following conclusions:

The Public Service Facility Overlay District for a Communication Tower is consistent with the County's adopted Comprehensive Plan and is compatible with the surrounding land uses subject to compliance with all performance conditions.

## NOTICE OF APPLICANT RESPONSIBILITY

*The rezoning process is a land use determination and does not constitute a permit for either construction on, or use of, the property, or a Certificate of Concurrence. Prior to use of, or construction on, the property, the petitioner must receive approval from the appropriate County department(s) for the proposed use.*

*The granting of this land use determination does not protect the owner from civil liability for recorded deed restrictions which may exceed any county land use ordinances. Homeowner associations or architectural review committees require submission of plans for review and approval. The applicant for this land use request should contact the local association or the Public Records for all restrictions applicable to this property.*

## STAFF RECOMMENDATION

It is recommended that the Planning and Zoning Commission recommend the Board of County Commissioners adopt a resolution approving the petitioner's request for a Revision to a Public Service Facility Overlay District for a Communication Tower with the following performance conditions:

1. The petitioner must obtain all permits from Hernando County and other applicable agencies and meet all applicable land development regulations, for either construction or use of the property, and complete all applicable development review processes.

2. The tower is approved up to a maximum of 289' in height.
3. All other performance conditions of H-95-09 shall be in full force and effect.