

**ALACHUA COUNTY
BOARD OF COUNTY COMMISSIONERS**

ORDINANCE 2024-

(Unified Land Development Code Amendment)

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY FLORIDA AMENDING THE ALACHUA COUNTY CODE OF ORDINANCES, TITLE 40, RELATING TO THE REGULATION OF THE USE AND DEVELOPMENT OF LAND IN THE UNINCORPORATED AREA OF ALACHUA COUNTY, FLORIDA; INCLUDING AMENDMENTS TO CHAPTER 404 USE REGULATIONS; AND CHAPTER 410 DEFINITIONS; PROVIDING FOR MODIFICATIONS; A REPEALING CLAUSE; SEVERABILITY; INCLUSION IN THE CODE AND CORRECTION OF SCRIVENER'S ERRORS; LIBERAL CONSTRUCTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Alachua County, Florida, is authorized, empowered, and directed to adopt land development regulations to implement the Comprehensive Plan and to guide and regulate the growth and development of the County in accordance with the Local Government Comprehensive Planning and Land Development Regulation Act (Section 163.3161 et seq.,) Florida Statutes; and

WHEREAS, the Board of County Commissioners of Alachua County adopted its 2019-2040 Comprehensive Plan, which became effective on December 13, 2019; and

WHEREAS, the Board of County Commissioners of Alachua County adopted its Unified Land Development Code, which became effective on January 30, 2006; and

WHEREAS, the Board of County Commissioners of Alachua County, Florida, wishes to make amendments to the Alachua County Code of Ordinances Part III, Unified Land Development Code, relating to development of land in Alachua County; and

WHEREAS, the Board of County Commissioners, acting as the Land Development Regulation Commission, has determined that the land development regulations that are the

subject of this ordinance are consistent with the Alachua County Comprehensive Plan; and,

WHEREAS, a duly noticed public hearing was conducted on such proposed amendment on May 28, 2024 by the Board of County Commissioners, held after 11:30 a.m.; and,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
ALACHUA COUNTY, FLORIDA:

Section 1. Legislative Findings of Fact. The Board of County Commissioners of Alachua County, Florida, finds and declares that all the statements set forth in the preamble of this ordinance are true and correct.

Section 2. Unified Land Development Code. The Unified Land Development Code of the Alachua County Code of Ordinances Part III is hereby amended as shown in Exhibit A and attached hereto.

Section 3. Modification. It is the intent of the Board of County Commissioners that the provisions of this ordinance may be modified as a result of considerations that may arise during public hearings. Such modifications shall be incorporated into the final version of the ordinance adopted by the Board and filed by the Clerk to the Board.

Section 4. Repealing Clause. All ordinances or parts of ordinances in conflict herewith are, to the extent of the conflict, hereby repealed.

Section 5. Inclusion in the Code, Scrivener's Error. It is the intention of the Board of County Commissioners of Alachua County, Florida, and it is hereby provided that, at such time as the Development Regulations of Alachua County are codified, the provisions of this ordinance shall become and be made part of the Unified Land Development Code of Alachua County, Florida; that the sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate designation. The correction of typographical errors that do not affect the intent of the ordinance

may be authorized by the County Manager or designee, without public hearing, by filing a corrected or re-codified copy of the same with the Clerk of the Circuit Court.

Section 6. Ordinance to be Liberally Construed. This ordinance shall be liberally construed in order to effectively carry out the purposes hereof which are deemed not to adversely affect public health, safety, or welfare.

Section 7. Severability. If any section, phrase, sentence or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 8. Effective Date. A certified copy of this ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after enactment by the Board of County Commissioners, and shall take effect upon filing with the Department of State.

DULY ADOPTED in regular session, this 28th day of MAY, A.D., 2024.

BOARD OF COUNTY COMMISSIONERS OF
ALACHUA COUNTY, FLORIDA

By: _____

Mary C. Alford, Chair

ATTEST:

APPROVED AS TO FORM

J.K. "Jess" Irby, Esq. Clerk

(SEAL)

Alachua County Attorney

DEPARTMENT

APPROVAL AS TO

CORRECTNESS

Department of Growth Management

Authorized Designee

EXHIBIT A
Unified Land Development Code Revision Language

CODE: Words ~~stricken~~ are deletions; words underlined are additions

ARTICLE XII. PERSONAL WIRELESS SERVICES FACILITIES

Sec. 404.51. Purpose and intent.

Personal wireless service facilities (PWSF) may be either allowed by limited use or special use permit in all districts but Conservation (C-1) (See Table 404.54.2). ~~In order to~~ The intent of this article is to minimize the visual impact personal wireless service facilities have on the surrounding community. To obtain a special use permit, such facilities shall meet the standards for location, siting and design established in this Article. The ~~goals are~~ of this Article are to:

- (a) Allow for alternative types of PWSFs in any location pursuant to the standards;
- (b) Encourage the use of existing structures through structural improvements and colocation, including but not limited to, rooftops, utility poles, church steeples, and existing towers for deploying PWSFs;
- (c) Discourage the construction of new PWSF towers in locations proximate to an existing PWSF tower;
- (d) Expedite the review process for those applications choosing the least intrusive alternative of deploying PWSFs;
- (e) Encourage users of towers to locate, site, and design them in a way that minimizes the adverse visual impact of the towers and associated equipment;
- (f) Enhance the ability of the providers of personal wireless services to provide such services to the community quickly, effectively, and efficiently; and
- (g) To promote compatibility of PWSFs with surrounding land uses, and protect the attractiveness, health, safety, and general welfare of the community.

(Ord. No. 05-10, § 2, 12-8-05; Ord. No. 06-14, § 2(Exh. A), 7-20-06; Ord. No. 2020-25 , § 2(Exh. A), 11-10-20)

Sec. 404.52. Applicability.

- (a) *Pre-existing facilities.* A PWSF for which a permit has been issued prior to the effective date of this ULDC or which lawfully existed because no permit was required at the time the PWSF was constructed shall be deemed a permitted use, subject to the conditions of an applicable permit. When an unlawful PWSF is identified by Alachua County, the unlawful PWSF must obtain a separate permit, even when (1) sharing a legal mount, (2) already in operation, and (3) duly licensed by the Federal Communications Commission. Such unpermitted PWSFs will be considered out of compliance with this Article and subject to abatement. The issuance of permit renewals or other new permits for such facilities shall be in accordance with the provisions of this Article.
- (b) *Damaged or destroyed facilities.* Damaged or destroyed PWSF towers may be rebuilt in compliance with the applicable provisions of Chapter 408, Nonconformities, and in compliance with the terms of this Article. Towers that are maliciously damaged or destroyed may be repaired or rebuilt at the same location provided the appearance of the tower is not changed. In the event the County declares the effects of damage or destruction to be a state of emergency, the County may waive the requirements of this paragraph to permit the expeditious re-construction of the damaged or destroyed facility.
- (c) *Amateur radio facilities.* This Article shall not govern the installation of any amateur radio facility that is owned and operated by a federally-licensed amateur radio station operator.
- (d) *Unlawful structures, towers, or personal wireless service facilities.* No issuance of any permit under this Article shall occur for a request to co-locate, attach, or share an existing PWSF site or structure when such

existing site or structure is found to have one or more PWSFs without permits and/or any structure is found to lack one or more building, electrical, or any other permit required by the Alachua County Office of Codes Enforcement and the laws that office is authorized to implement and enforce.

- (e) *Relationship to other regulations.* The PWSF regulations shall supersede conflicting requirements contained in this ULDC regarding the siting and permitting of PWSFs, except that in the event of a conflict with provisions of the airport impact regulations in Chapter 405 of this ULDC, the more stringent requirement shall apply.

(Ord. No. 05-10, § 2, 12-8-05; Ord. No. 2020-25 , § 2(Exh. A), 11-10-20)

Sec. 404.53. Specification of land use classifications.

Personal wireless service facilities shall be a permitted use or a special use in all land use designations on the Future Land Use Map of the Alachua County Comprehensive Plan and pursuant to the policies of the Alachua County Comprehensive Plan, provided that such PWSFs comply with the standards of this Article and the permits under which PWSFs are regulated.

(Ord. No. 05-10, § 2, 12-8-05; Ord. No. 2020-25 , § 2(Exh. A), 11-10-20)

Sec. 404.54. Tiered permit process and standards.

The intent of this article is to prioritize and encourage PWSF which have the least visual impact on the surrounding community. Below is a table which breaks out each type of PWSF into four tiers: Ranging from Tier One, the least intrusive and therefore the most desired by the County, to Tier Four, the most intrusive and therefore least desired by the County. All PWSF applications shall be processed according to the following tiers, which are depicted generally in the tables below and further detailed in the following sections:

Table 404.54.1: Tier classification based on PWSF type.

<u>PWSF Type</u>	<u>Tier One</u>	<u>Tier Two</u>	<u>Tier Three</u>	<u>Tier Four</u>
<u>Small cell, DAS, SWF, or other close-mounted or concealed PWSF on new or existing utility poles</u>	✓			
<u>Co-locations on existing towers</u>	✓			
<u>Concealed in existing structures</u>	✓			
<u>Placed on other non-tower structures</u>	✓			
<u>Tower replacement</u>	✓			
<u>Co-locations not meeting tier one criteria</u>		✓		
<u>Concealed towers (height and location dependent)</u>		✓		
<u>Monopole towers (height and location dependent)</u>		✓		
<u>Guyed towers less than 200 feet in height</u>			✓	
<u>Self-support/lattice towers less than 200 feet in height</u>			✓	
<u>Monopole towers less than 200 feet in height that do not fit tier two criterion</u>			✓	
<u>Concealed towers less than 200 feet in height that do not fit tier two criterion</u>			✓	

<u>PWSF Type</u>	<u>Tier One</u>	<u>Tier Two</u>	<u>Tier Three</u>	<u>Tier Four</u>
<u>All other towers meeting or exceeding 200 feet in height</u>				✓

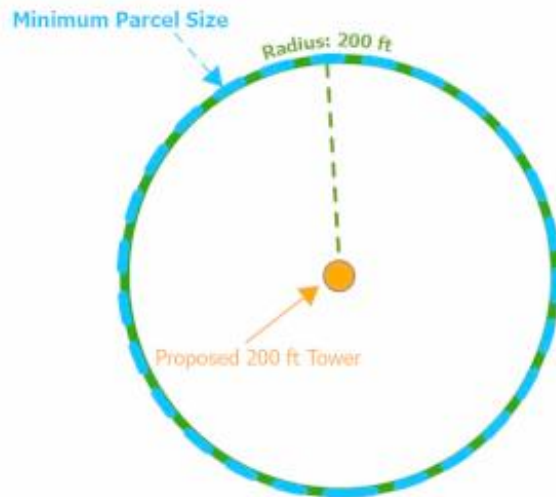
Table 404.54.2: Application and review process for each tier classification.

<u>Application Process</u>	<u>Tier One</u>	<u>Tier Two</u>	<u>Tier Three</u>	<u>Tier Four</u>
<u>Special use permit application</u>			✓	✓
<u>Review and recommendation by planning commission</u>			✓	✓
<u>Final approval by BOCC</u>			✓	✓
<u>Development plan review and approval</u>		✓	✓	✓
<u>Building permit review</u>	✓	✓	✓	✓

- (a) *Tier one.* Tier one applications are subject to local building regulations and any existing permits, including special use permits, or agreements for the property or existing structure. There are five (5) categories of tier one applications:
- (1) *Placed on new or existing utility poles (commonly defined as small cell, small wireless facility (SWF), or distributed antenna systems (DAS)).* Close-mounted or concealed PWSF antennas on new or existing utility poles (telephone poles, utility distribution and transmission poles, light poles, streetlights, and traffic signal stanchions) no more than twenty (20) feet taller than the existing structure.
 - a. Ground-mounted accessory equipment in the public road right-of-way shall be placed underground or be no more than four (4) feet in height. If the accessory equipment is not placed underground, the compound shall be no more than one hundred (100) square feet and shall be concealed by a row of shrubs. Zoning district setback requirements shall not apply to accessory equipment located in the road right-of-way. All cables between the pole and the accessory equipment shall be placed underground. A right-of-way permit shall be obtained for a PWSF where equipment will be placed in the public right-of-way.
 - b. Ground-mounted accessory equipment to serve PWSF antennas on utility poles within road rights-of-way may be located outside of the road right-of-way. If such equipment is located underground or does not exceed a total of one hundred (100) square feet, a height of four (4) feet and is screened by a row of shrubs, such equipment may be located within the zoning district setbacks. If these requirements cannot be met, the equipment must meet primary structure setbacks and requirements.
 - (2) *Co-locations on existing towers.* Antennas co-located with an existing PWSF of a design and configuration consistent with all applicable regulations, restrictions or conditions, if any, applied to the initial antenna array placed on the PWSF tower. Any regulation, restriction, or condition that limits the number of collocations or require a review process inconsistent with this Section shall not apply. As part of such co-locations, new accessory equipment shall be allowed within the existing compound.
 - (3) *Concealed in existing structures.* PWSFs that are completely concealed within existing structures.
 - (4) *Placed on other non-tower structures.* PWSFs mounted on structures that are not towers or utility poles, that do not project more than ten (10) feet above the height of the structure and that are not on historic structures or structures within historic districts. If the antenna is a concealed PWSF antenna, the height may be up to twenty (20) feet above the height of the structure.
 - (5) *Tower replacement.*
 - a. Replacement of existing towers, conforming or lawfully nonconforming, with replacement towers that:
 1. Do not increase the height of the existing tower;
 2. Will be located within fifty (50) feet of the location of the existing tower; and

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3. Are of a monopole or concealed tower design or, if the tower to be replaced is a concealed tower, the replacement tower will be of a similar concealed design.
 - b. Such replacements shall be subject to administrative development approval.
 - (6) A Non-Substantial Change. Any PWSFs that falls under the FCC 47 C.F.R. §1.40001(b)(7)(i) for non-substantial change.
 - (b) *Tier two.* Applications for new PWSFs that meet the following criteria shall be considered for tier two review. If the application is determined to be a tier two, development plan review and approval, as found in Chapter 402, Article X, is required before building permits may be obtained.
 - (1) Co-locations not meeting tier one criteria. This category is limited to co-locations that do not completely meet the tier one criteria or are considered a substantial change per FCC 47 C.F.R. §1.40001(b)(7)(i) that does not result in an overall tower height over 200ft. If only a portion of a co-location does not qualify as a tier one, where all other portions of the co-location do qualify, that portion of the co-location only shall be reviewed as a tier two and the rest of the co-location shall be reviewed as a tier one.
 - (2) *Concealed towers.* This category is limited to applications for new concealed towers that:
 - a. Are located within non-residential land uses; and
 1. Are one hundred fifty (150) feet or less in overall height in the rural/agriculture, light industrial or heavy industrial land use categories;
 2. Are one hundred twenty (120) feet or less in overall height in the commercial, commercial enclaves, rural commercial, rural employment center, rural community employment center, or tourist/entertainment land use categories;
 3. Are one hundred (100) feet or less in overall height in the institutional land use category;
 - b. Are located at least two (2) times the overall height of the tower from the property lines of any nearby property with an urban residential land use designation or with a residence on it;
 - c. Are not located in preservation areas, conservation areas, or passive recreation areas of County parks as defined by this ULDC and the Comprehensive Plan;
 - d. Are not located on a historic property or historic resource as defined by this ULDC and the Comprehensive Plan;
 - e. Are located at least three (3) times the overall height of the tower from any designated scenic road or corridor or roads designated Old Florida Heritage Highway.
 - (3) *Monopole towers.* This category is limited to applications for new monopoles that:
 - a. Are located within non-residential land uses; and
 1. Are one hundred twenty (120) feet or less in overall height in the rural/agriculture, light industrial or heavy industrial land use categories;
 2. Are eighty (80) feet or less in overall height in the office, commercial, commercial enclaves, rural commercial, rural employment center, rural community employment center, activity centers, or tourist/entertainment land use categories; and
 3. Are eighty (80) feet or less in overall height in the institutional land use category;
 - b. Are located at least three (3) times the overall height of the tower from the property lines of any nearby property with an urban residential land use designation or with a residence on it;
 - c. Are located at least one (1) times the overall height of the tower from the property lines of all dissimilar land use districts;
 - d. Are not located in preservation areas, conservation areas, or passive recreation areas of County parks as defined by this ULDC and the Comprehensive Plan;
 - e. Are not located on a historic property or historic resource as defined by this ULDC and the Comprehensive Plan;
 - f. Are located at least three (3) times the overall height of the tower from any designated scenic road or corridor or roads designated Old Florida Heritage Highway; and

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- g. Use close-mount antennas.
- (c) Tier three. Those applications proposing a tower of less than 200 feet in height that are not consistent with tier one or tier two standards shall be reviewed as special use permits, as found in Chapter 402, Article XVIII, Special Use Permits. Tier three reviews are subject to the following review criteria:
- (1) Location.
- a. The proposed PWSF shall be located in an area where the adverse visual impact on the community is minimized, as demonstrated by the visual impact analysis report described in Subsection 404.56(c). Adverse visual impact is defined herein as an uncharacteristic disruption in the line of sight, such as an outlying structure in scale, massing, height, lighting, and/or materials.
- b. The location of a proposed PWSF shall minimize environmental impacts. Ground-mounted PWSFs should not be located in preservation areas, conservation areas, or passive recreation areas of County parks as defined by this ULDC and the Comprehensive Plan.
- ~~c. PWSFs greater than two hundred (200) feet in height should not be located in areas where the increased potential for bird kills is shown to exist.~~
- d. Lighted towers using guyed -wires are prohibited in conservation areas as defined by this ULDC and the Comprehensive Plan.
- e. ~~Proposed PWSFs~~ PWSFs should not be visible from any designated scenic road or corridor or roads designated Old Florida Heritage Highway.
- (2) Design. All Tier Three PWSFs should be designed in such a way to minimize the adverse visual impact on the community. This may include reducing the height and silhouette in order to create the least adverse visual impact to the surrounding community. The minimum height necessary to provide the applicant carrier's designed service to the area should be utilized, as verified by an independent radio frequency (RF) analysis. In general, a monopole tower or concealed tower is considered to have less visual impact than alternative tower designs and therefore is the preferred tower design. A facility other than a monopole or concealed facility, that is visible against the skyline must be painted light gray, or a similar color approved by staff, and have a reflectivity of less than 55%, unless the Federal Communications Commission, Federal Aviation Administration, or any state or federal law, regulation, or rule requires the facility or antenna to be painted, designed, or marked otherwise. Additional ways of reducing the visual impact on the community, that shall be pursued by the applicant, are as follows:
- a. Reducing the height and silhouette;
- b. Maintain a galvanized steel or concrete finish;
- c. Use materials, colors, textures, screening, and landscaping that will blend the PWSF with the natural setting and built environment;
- d. Shall not be artificially lighted unless otherwise required by FAA;
- (d) Tier Four. Those applications proposing a tower equal to or greater than 200 feet in height shall be reviewed as special use permits, as found in Chapter 402, Article XVIII, Special Use Permits. Tier four reviews are subject to the following review criteria:
- (1) Location.
- a. To minimize the visual impact on the community, the proposed PWSF shall be located on a parcel, or leased portion of a parcel, that is equal to, or larger than, the parcel radius equivalent to the proposed tower height (Ex: 200 ft tower in height = 200 ft parcel radius).
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- b. The visual impact shall be demonstrated by a visual impact analysis report described in Subsection 404.56(c). Adverse visual impact is defined herein as an uncharacteristic disruption in the line of sight, such as an outlying structure in scale, massing, height, lighting, and/or materials.
 - c. The location of a proposed PWSF shall minimize environmental impacts. Ground-mounted PWSFs should not be located in preservation areas, conservation areas, or passive recreation areas of County parks as defined by this ULDC and the Comprehensive Plan.
 - d. Lighted towers using guyed wires are prohibited in conservation areas as defined by this ULDC and the Comprehensive Plan.
 - e. Proposed PWSFs should not be visible from any designated scenic road or corridor or roads designated Old Florida Heritage Highway.
 - f. Proposed PWSFs greater than two hundred (200) feet in height should not be located in areas where the increased potential for bird kills is shown to exist.
 - g. The proposed PWSF structure shall be centered on the subject parcel or the leased portion of the parcel. Centered is defined as set back from each property boundary a distance equivalent to or greater than the proposed tower height (Ex: 200 ft tower in height shall be setback from each property boundary a minimum of 200 ft).
- (2) Design. All Tier Four PWSF should be designed in such a way to minimize the adverse visual impact on the community. This may include reducing the height and silhouette in order to create the least adverse visual impact. The minimum height necessary to provide the carrier's designed service to the area should be utilized, as verified by an independent radio frequency (RF) analysis. In general, a monopole tower or concealed tower is considered to have less visual impact than alternative tower designs and therefore is the preferred tower design. A facility other than a monopole or concealed facility, that is visible against the skyline must be painted light gray, or a similar color approved by staff, and have a reflectivity of less than 55%, unless the Federal Communications Commission, Federal Aviation Administration, or any state or federal law, regulation, or rule requires the facility or antenna to be painted, designed, or marked otherwise. Additional ways of reducing the visual impact on the community, that shall be pursued by the applicant, are as follows:
- e. Reducing the height and silhouette;
 - f. Maintain a galvanized steel or concrete finish;

g. Use materials, colors, textures, screening, and landscaping that will blend the PWSF with the natural setting and built environment;

~~—~~d. Shall not be artificially lighted unless otherwise required by FAA;

~~(de)~~ Development standards for tier two, ~~and tier three,~~ and tier four. All applications for tier two, ~~or tier three,~~ and tier four review shall comply with the following standards:

- (1) *Setbacks and separation.* All new towers and accessory structures shall comply with standard zoning district setbacks for a primary structure or other setbacks described in this Article, whichever is greater. All non-concealed PWSFs shall be located behind the principal building line. If the PWSF is mounted on a building, it shall not be visible from the front of the building at the pedestrian level.
 - (2) *Security barrier.* All ground mounted equipment for PWSF facilities shall be secured with locked gate and chain-link fence or masonry wall of at least six (6) feet in height from finished grade. The security barrier shall be maintained by the operator of the PWSF or tower for the life of the installation.
 - (3) *Airport impacts.* All PWSFs must comply with Alachua County Airport Impact Regulations found in Article VII of Chapter 405.
 - (4) *Signs.* Signs for site identification and contact information are required. In addition, for public safety purposes, each PWSF shall have a weather-proof plaque mounted at eye level at or near the PWSF or structure identifying the carriers and dates of permit approval for all antennas on the structure and the location of the County office where further information can be obtained. Such information for PWSFs mounted on buildings may be maintained by the building superintendent or similar agent provided such information is readily accessible on reasonable demand during normal business hours. Any signs required by the FCC or FAA are also allowed. No other signage shall be permitted on any PWSF.
 - (5) *Landscape buffers.* Existing natural vegetation shall be undisturbed to the greatest extent practicable and may be counted toward the buffer requirement. Landscaping materials shall consist of xeric or drought-resistant native species and shall be maintained by the operator of the PWSF for the life of the installation.
 - a. Landscape buffers shall be required around any ground-mounted security barrier. Landscape buffers, located outside and within ten (10) feet of the fence, shall include one (1) non-deciduous tree for every twenty (20) linear feet of fence and a continuous row of shrubs spaced not more than three (3) feet apart. The trees shall be at least ten (10) feet in height and the shrubs shall be at least two (2) feet in height at time of planting. Landscaping shall be installed prior to final building inspection.
 - b. Ground-mounted accessory equipment for PWSFs mounted on structures not originally intended as PWSF mounts shall be concealed from view within existing structures or shall be limited to twelve (12) feet in height and shall be buffered by a continuous row of shrubs spaced not more than three (3) feet apart.
 - c. ~~The DRC Board of County Commissioners~~ may waive the landscaping requirement if the applicant can demonstrate that the site will not be visible from adjacent lots or rights-of-way for the duration of the tower's operation.
 - d. For tier three and tier four applications, natural vegetative buffers on the perimeter of the property ~~may be~~ are required to be retained for the life of the tower to reduce the adverse visual impact of the facility on surrounding residences.
 - e. If there is not existing landscaping along the perimeter of the property, the applicant shall provide landscaping along the perimeter of the property in the same capacity as is required around any ground-mounted security barrier, as detailed in Section 404.54(e)(5)a.
 - f. If it is determined by the County's Forester that the existing landscaping is not adequate, the applicant shall work with the County's Forester to determine a planting plan. For Tier Four applications, the County's Forester shall review the required tree survey of the perimeter of the property to determine if additional landscape planting is necessary to adequately screen the proposed PWSF tower.
 - (6) *Access.* A 12-foot wide stabilized access driveway and turn-around area are acceptable unless staff determines, based on public safety concerns, that circumstances require paved access.
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- (7) *Occupancy.* ~~Communication-PWSF towers~~ and accessory structures shall be unoccupied.
- (8) *Modifications.* All modifications that, when viewed from ground level from surrounding properties, appear to be of a different size, type, or appearance than what currently exists on or associated with the PWSF, as determined by the Director, must comply with the design standards of this Article. For the purposes of this Subsection, a co-location shall not be considered a modification. All modifications must comply with any conditions or provisions of an existing permit, including special use permits, for the property or structure.
- (Ord. No. 05-10, § 2, 12-8-05; Ord. No. 12-09, § 2(Exh. A), 10-9-12; Ord. No. 2020-25, § 2(Exh. A), 11-10-20)
- ~~PWSFs greater than two hundred (200) feet in height should not be located in areas where the increased potential for bird kills is shown to exist.~~

Sec. 404.55. Submittal requirements for tier two, ~~and tier three, and tier four~~ applications.

In addition to the information required for all development applications as found in Chapter 402, Article X, all applicants shall submit the following information, as applicable, as part of an application for a PWSF.

- (a) A licensed carrier must either be an applicant or a co-applicant and authorization to act on behalf of the carrier must be submitted.
- (b) Co-applicants may include the landowner of the subject property, licensed carriers and tenants for the PWSF.
- (c) Copy of the FCC License (Radio Authorization Form).
- (d) Evidence of compliance with applicable FAA requirements under 14 C.F.R. § 77, as amended. This may be in the form of a copy of the FAA notice of proposed construction.
- (e) A propagation map which demonstrates a gap in coverage that justifies: (1) The need for the proposed tower type, (2) The proposed location and (3) The proposed height.
- (f) For tier four applications, a tree survey for the perimeter of the subject property shall be required. Said tree survey shall survey the existing trees along the perimeter of the site, defined as the 30 ft width inside the subject property which must meet the minimum size criteria as specified in Section 404.54.(d).(1).a.
- (eg) For applications for ground-mounted facilities, proposed site plan ~~submittal, no larger than twenty four inches by thirty six inches (24" by 36") with an eight and one half inch by eleven inch (8 $\frac{1}{2}$ " by 11") reduced copy.~~ Site plans should include the following:
- (1) The entire subject property with the lease parcel fully dimensioned, including property lines, setbacks, roads (public and private) on or adjacent to the subject property, and easements proposed to serve the PWSF.
- (2) Outline of all existing buildings, including purpose (e.g., residential buildings, garages, accessory structures, etc.) on subject property.
- (3) Proposed location of antenna, tower, and equipment facilities.
- (4) Proposed security barrier, indicating type and extent as well as point of controlled entry.
- (5) Proposed and existing access easements, utility easements, and parking for the PWSF.
- (6) All proposed changes to the subject property, including grading, vegetation removal, temporary or permanent roads and driveways, stormwater management facilities, and any other construction or development attendant to the PWSF.
- (7) Scaled elevation drawing of proposed PWSF including all towers, antennas, equipment buildings, fencing, and landscaping.
- (8) A map to scale showing the subject property and all properties within a distance of one thousand (1,000) feet of the subject property boundary, the location of and distances to all buildings, including accessory structures, and the Future Land Use designation and zoning district of all properties shown. An aerial enhanced with the required information may be used to satisfy this requirement.
- (fh) Information showing all private aircraft landing facilities registered by the Florida Department of Transportation that are within one (1) mile of the proposed PWSF.
- (gj) A statement certifying that, as proposed, the PWSF complies with Alachua County Airport Impact Zoning Regulations in Article VII of Chapter 405.

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- (h) A fall zone certificate from a licensed structural engineer or evidence satisfactory to the County that the tower and attached PWSFs will not pose a material danger from collapse or debris fall to habitable structures or outdoor areas where people congregate.

(Ord. No. 05-10, § 2, 12-8-05; Ord. No. 2020-25, § 2(Exh. A), 11-10-20)

Sec. 404.56. Additional requirements for tier three and tier four applications.

In addition to the requirements above, an applicant for a tier three or tier four review shall submit the following information:

- (a) Detailed description of request and justification report. Written justification report and description of request is required. The justification report shall address including why how the request is consistent with the Comprehensive Plan, and this ULDC, the special use permit criteria for approval, as specified in Section 402.124 of the ULDC, and the following criteria in which the Board of County Commissioners will make a finding:-
- (1) The applicant has justified the proposed location by providing the required propagation map and demonstrating the following.
 - a. Collocation is not feasible to provide the necessary level of service, and
 - b. the proposed geographic location is the least intrusive location in relation to the surrounding community
 - (2) The applicant has made efforts to reduce the tower height to the maximum extent possible that still maintains the necessary coverage (usually demonstrated by a propagation map);
 - (3) The applicant has made design improvements to the proposed tower to reduce the adverse visual impact of the tower as specified in the design criteria for tier three and tier four applications, or can justify the visual impact of the tower through economic hardship, an RF engineering report, or another reasonable form of substantial competent evidence;
 - (4) The applicant has complied with the minimum parcel size requirements and landscaping requirements in this Article.
- (b) *Neighborhood workshop.* For all tier three and tier four applications, the applicant must conduct a neighborhood workshop pursuant to Article V, Neighborhood Workshops in Chapter 402 of this ULDC.
- (c) *Visual impact analysis report.*
- (1) The applicant shall provide a line-of-sight analysis, including elevation views of the proposed tower. The line-of-site analysis shall include a description of significant natural and manmade features that affect the buffering of the potential visual impact of the proposed structure.
 - (2) For tier three applications, the applicant shall submit photo simulations (“photosims”) from a minimum of four (4) views identified on the site plan or aerial map of the surrounding area from locations determined at the preapplication review. These views shall incorporate before and after scenarios, a scaled color image of the proposed type of tower, an aerial image with the location of the views noted, and a description of the technical approach used to create the photo simulations.
 - (3) For tier four applications, the applicant shall submit photo simulations from a minimum of six (6) views identified on the site plan or aerial map of the surrounding area from locations determined at the preapplication review. These views shall incorporate before and after scenarios, a scaled color image of the proposed type of tower, an aerial image with the location of the views noted, and a description of the technical approach used to create the photo simulations.
- (3) Upon receipt of the visual impact analysis report, County staff may require the applicant to conduct a visual impact demonstration consisting of a two-hour balloon test, which shall demonstrate the maximum height of the proposed PWSF facility. During the test, County staff shall be provided access to the parcel for the purpose of observing and photographing the test from several locations surrounding the PWSF site. Staff will evaluate the photosims in the visual impact analysis report based on the balloon test. If the photosims are

not clearly representative of the proposed PWSF, County staff shall produce, or have produced by an independent consultant, additional photosims at the applicant's expense.

- (d) *RF information.* To verify that a new tower at the proposed height of the tower or antennas is necessary to provide the carrier's designed service, the following RF information shall be submitted:
- (1) ~~(1)~~ — Areas to be served by the PWSF.
 - (2) ~~(2)~~ — The applicant shall use reasonable efforts to collocate or place antennas proposed to be located on a new PWSF Tower on other currently permitted facilities or structures. Prior to approval for a new tower, the applicant shall demonstrate that there are no other suitable existing antenna towers or structures on which the applicant/provider can reasonably place its antennas, by providing evidence of any of the following:
 - a. No existing PWSF towers or tall structures (those adequate to serve the proposed height) are located within the search area.
 - b. Existing PWSF towers or structures are not of sufficient height to meet engineering requirements of the provider proposed to be located on the tower.
 - c. Existing PWSF towers or structures do not have sufficient structural strength or capacity to support the provider's proposed antenna and related equipment.
 - d. The proposed antenna and related equipment would cause electromagnetic interface with the antenna(s) on the existing tower or tall structures, or the antenna on the existing tower or tall structure would cause interference with the applicant's proposed antenna.
 - e. The economic burden on the applicant to use an existing tower or tall structure, or to adapt an existing tower or tall structure for use exceeds the cost of a new tower or is proven as unreasonable.
 - f. The applicant demonstrates that there are other limiting factors that render existing towers and tall structures unsuitable.
 - (3) Relationship to the carrier's other PWSFs existing or currently in review by Alachua County.
 - (4) ~~(3)~~ — Technical data concerning the proposed facility and each existing, authorized, pending, and proposed adjacent cell site:
 - a. ~~a.~~ — Primary frequency band;
 - b. ~~b.~~ — Site name or other reference;
 - c. ~~c.~~ — Latitude and longitude (NAD 83 or WGS 84) of the tower; and
 - d. ~~d.~~ — Site elevation (amsl).
 - (5) ~~(4)~~ — For each proposed and each adjacent cell omni, microwave and sector antenna:
 - a. ~~a.~~ — Manufacturer;
 - b. ~~b.~~ — Model number;
 - c. ~~c.~~ — Frequency band (if not primary frequency band);
 - d. ~~d.~~ — Height of antenna radiation center (agl);
 - e. ~~e.~~ — Maximum effective radiated output power (specify units);
 - f. ~~f.~~ — Azimuth of main lobe (degrees east of north Nxxx E);
 - g. ~~g.~~ — If used, mechanical and electrical beam-tilt parameters; and
 - h. ~~h.~~ — Other additional information as may be required to technically verify an applicant's assertions.
- (e) *Fees.* The fee for PWSF special use permit applications shall include the costs of retaining independent technical consultants and experts to properly evaluate the proposed PWSFs. This may include an independent RF evaluation and the preparation of photo simulations of the proposed site.

(Ord. No. 05-10, § 2, 12-8-05; Ord. No. 2020-25 , § 2(Exh. A), 11-10-20)

Sec. 404.57. Completeness review.

- (a) Within twenty (20) business days of receipt of an application for a PWSF, County staff shall determine if the application form has been completed and if all required items have been submitted.
- (b) If County staff determines that the application form is not complete and/or if all required items have not been submitted, the County staff shall send the applicant a letter of incompleteness stating that the application is incomplete and cannot be considered by the County. The letter of incompleteness shall list those items that are incomplete or missing. The applicant may choose to resubmit a completed application or withdraw the application and request a refund of application fees.
- (c) If the applicant resubmits materials to make the application complete, County staff shall review the resubmitted materials and determine if the application is now complete. If the application is still not complete, County staff shall send the applicant another letter of incompleteness indicating the remaining deficiencies, within normal review timeframes, but in no case longer than twenty (20) business days after the materials are resubmitted.
- (d) After issuance of the letter of incompleteness, if the applicant does not complete the application form and submit all required items within sixty (60) days of mailing of the letter of incompleteness, nor withdraws the application by the date specified, the County shall notify the applicant that the application is closed and any fees paid are nonrefundable.
- (e) If County staff does not notify the applicant in writing that the application is not complete within twenty (20) business days after the application is initially submitted or additional information is resubmitted, the application is deemed, for administrative purposes only, to be properly complete.
- (f) When the application form is complete and all required items have been submitted, the County staff shall send the applicant a letter of completion and begin processing the application.

(Ord. No. 05-10, § 2, 12-8-05; Ord. No. 2020-25, § 2(Exh. A), 11-10-20)

Sec. 404.58. Review timeframes.

- (a) *Tier one.* Applications for tier one co-locations shall be reviewed within the normal time frames for similar building permits, but in no case later than forty-five (45) business days after the date the application is determined to be properly completed, as provided in Section 404.57. All other tier one applications shall be reviewed within the normal time frames for similar building permits but in no case later than 90 business days after the date the application is determined to be properly completed.
- (b) *Tier two, ~~and tier three,~~ and tier four.*
 - (1) The County shall review and grant or deny each properly completed application for tier two, ~~or tier three,~~ or tier four review within the normal timeframes for a development plan approval or a special use permit, as applicable, but in no case shall the review and decision on the application take more than ninety (90) business days from the date the application is determined to be properly complete, in accordance with Section 404.57.
 - (2) If the County does not grant or deny a properly completed application for a PWSF within the timeframes set forth in this Subsection and Subsection (a), the application shall be deemed automatically approved and the applicant may proceed with the next level of review or, if no additional levels of review are required, with the placement of the PWSF without interference or penalty.
 - (3) For tier three and tier four applications only, the ninety (90) business day timeframe may be extended if the hearing on the special use permit before the BOCC, following the review process and timeframe applicable to all special use permits for all uses, cannot reasonably occur within the ninety (90) business days. Under such circumstances, the BOCC must either grant or deny the application at its next regularly scheduled meeting after the ninety (90) business days have expired or the application shall be deemed automatically approved.
 - (4) If during the review period the application is significantly amended, unless the review timeframe is waived by both the applicant and the County, it shall be considered a new application and a new 90-day review period will be established.

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- (5) These timeframes may be waived if a waiver is voluntarily agreed to by the applicant and the County. A one-time waiver may be required by the County in the case of a declared local, state, or federal emergency, which directly affects the permitting activities of the County, for the length of that emergency.

(Ord. No. 05-10, § 2, 12-8-05; Ord. No. 2020-25 , § 2(Exh. A), 11-10-20)

Sec. 404.59. PWSFS at public sites.

The County shall work with carriers to facilitate the siting of PWSFs on County-owned or other publicly-owned property, by identifying existing structures, the appropriate contact persons, and the appropriate leasing procedures.

(Ord. No. 05-10, § 2, 12-8-05; Ord. No. 2020-25 , § 2(Exh. A), 11-10-20)

Sec. 404.60. Inspection, abandonment and obsolescence.

- (a) *Inspection.* The owner or operator of a tower shall provide for and conduct an inspection of the tower at least once every ~~five~~ three (3) years, and is encouraged to conduct an inspection following any extreme weather conditions or a weather related State of Emergency. A statement shall be provided to the Alachua County Office of Codes Enforcement verifying structural integrity and tenants on the tower.
- (b) *Abandonment and removal.* Any PWSF that is not operated for a continuous period of eighteen (18) months shall be considered abandoned, and the owner of such PWSF shall remove same within ninety (90) days of notice to the Alachua County Office of Codes Enforcement that the PWSF is abandoned. If such PWSF is not removed within said ninety (90) days, the County may have the PWSF removed at the PWSF owner's expense.

(Ord. No. 05-10, § 2, 12-8-05; Ord. No. 2020-25 , § 2(Exh. A), 11-10-20)

Sec. 404.61. Lighting.

A PWSF shall not be artificially lighted, except for:

- (a) Security and safety lighting of equipment buildings if such lighting is appropriately down-shielded to keep light within the boundaries of the site; and
- (b) Such lighting of the PWSF as may be required by the Federal Communications Commission, Federal Aviation Administration (FAA) or other applicable authority installed in a manner to minimize impacts on adjacent residences. "Dual lighting" (red at night/strobe during day) shall be utilized unless otherwise recommended by FAA guidelines. Towers that require flashing illumination shall have synchronized flashing to deter bird collisions with the Tower.

(Ord. No. 05-10, § 2, 12-8-05; Ord. No. 2020-25 , § 2(Exh. A), 11-10-20)

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ARTICLE III. DEFINED TERMS

Abandoned Tower means any tower or PWSF facility that is not operational for a continuous period of eighteen (18) months.

Alternative Structure or Tall Structures, in relation to PWSFs, means a structure that is not primarily constructed for the purpose of holding antennas but on which one or more antennas may be mounted, including buildings, water tanks, pole signs, billboards, church steeples, and electric power transmission towers.

Amateur Radio Facility means any tower used for amateur radio transmissions consistent with the FCC Part 97 Rules and Regulations for amateur radio towers.

Ancillary Equipment means components subordinate to, but necessary for the operation of, personal wireless service facility. Such components include, but are not limited to, cabinets and electrical. This term shall not be interpreted to include structures designed and constructed to support antennas.

Ancillary Structure in relation to PWSF and for the purposes of § 153.115(B), any form of development associated with a communications facility, including foundations, concrete slabs on grade, guy anchors, generators, and transmission cable supports, but excluding equipment cabinets.

Antenna Element means any antenna or antenna array.

Broadcast Facilities means towers, antennas, and/or antenna arrays for AM/FM/TV/HDTV broadcasting transmission facilities that are licensed by the Federal Communications Commission.

Collapse Zone means the area surrounding a freestanding facility, which, in the event of a structural failure of all, or part, of the freestanding facility, would result in the freestanding facility falling or collapsing within the boundaries of the property on which the freestanding facility is placed. The collapse zone must equal at least 100 percent of the freestanding facility height.

Combined Antenna means an antenna or an antenna array designed and utilized to provide services for more than one wireless provider, or a single wireless provider utilizing more than one frequency band or spectrum, for the same or similar type of services.

Equipment cabinet/shelter/compound: An unoccupied, enclosed structure at the base of the mount within which is housed the equipment for the PWSF such as batteries and electrical equipment.

Flush-Mounted means any antenna or antenna array attached directly to the face of the support structure or building such that no portion of the antenna extends above the height of the support structure or building. Where a maximum flush-mounting distance is given, that distance shall be measured from the outside edge of the support structure or building to the inside edge of the antenna.

Handoff Candidate means a wireless communication facility that receives call transference from another wireless facility, usually located in an adjacent first tier surrounding the initial wireless facility.

Non-Concealed means a wireless communication facility that is readily identifiable as such and can be either freestanding or attached.

Propagation Map: A predictive model of coverage showing signal strength at different distances from the subject antenna. Propagation maps should be clearly labeled, include a legend, and show and account for each of the different frequency bands that will be used by the facility.

Public Safety Communications Equipment means all communications equipment utilized by a public entity for the purpose of ensuring the safety of the citizens of the county and operating within the frequency range of 700 MHZ and 1,000 MHZ and any future spectrum allocations at the direction of the FCC.

Search Area, in relation to PWSF, means the geographic area in which a personal wireless service provider's antenna is intended to be located to provide the personal wireless service provider's designed service.

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Substantial change: In relation to a PWSF, and per FCC 47 C.F.R. §1.40001(b)(7)(i), a substantial change is defined as increasing the height of an existing wireless tower by more than 10 percent, or by a height exceeding 20 feet, whichever is greater.

Temporary Personal Wireless Service Facility, also referred to as a "Carrier On Wheels" ("COW"), means a portable personal wireless service facility that is designed for use during declared emergency by the County and can typically be mounted on or towed by a vehicle or trailer.

Tower means any staffed or unstaffed location for the transmission and/or reception of radio frequency signals or other wireless communications, and usually consisting of an antenna or group of antennas, transmission cables, equipment cabinets, and may include a tower. The following developments shall be deemed a communications facility: new, mitigated, or existing towers; public towers; replacement towers; co-location on existing towers; attached wireless communications facilities; concealed wireless communication facilities; and non-concealed wireless communication facilities. Towers do not include any device used to attach antennas to an existing building, unless the device extends above the highest point of the building by more than 20 feet. Types of support structures include "guyed tower", "lattice structure", and "monopole structure".

- (a) Concealed. A tower, ancillary structure, or equipment compound that is not readily identifiable as such and is designed to be aesthetically compatible with existing and proposed building(s) and uses on a site. There are two types of concealed facilities:
 - i. Antenna Attachments including painted antenna and feed lines to match the color of a building or structure, faux windows, dormers, or other architectural features that blend with an existing or proposed building or structure; and
 - ii. Freestanding. Freestanding concealed towers usually have a secondary, obvious function which may include church steeple, water tower, windmill, bell tower, clock tower, light standard, flagpole with or without a flag, or tree.
- (b) Tower, Guyed means a style of tower consisting of a single truss assembly composed of sections with bracing incorporated. The sections are attached to each other, and the assembly is attached to a foundation and supported by a series of wires that are connected to anchors placed in the ground or on a building.
- (c) Tower, Lattice Structure means a tapered style of tower that consists of vertical and horizontal supports with multiple legs and cross bracing, and metal crossed strips or bars to support antennas.
- (d) Tower, Monopole Structure means a style of freestanding tower consisting of a single shaft usually composed of two or more hollow sections that are in turn attached to a foundation. This type of tower is designed to support itself without the use of guy wires or other stabilization devices. These facilities are mounted to a foundation that rests on or in the ground or on a building's roof. All feed lines shall be installed within the shaft of the structure.

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<p><u>Guyed Tower</u></p>	<p><u>Lattice Tower</u></p>	<p><u>Monopole Tower</u></p>	<p><u>Concealed Tower</u></p>

Tower Base means the foundation, usually concrete, on which the tower and other support equipment are situated. For measurement calculations, the TOWER BASE is that point on the foundation reached by dropping a line perpendicular from the geometric center of the tower.

Tower Height means the vertical distance measured from the grade line to the highest point of the tower, including any antenna, lighting, or other equipment affixed thereto.

Tower Site means the land area that contains, or will contain, a proposed tower, support structures, collapse zone, and other related buildings and improvements.

~~Tower: Any structure designed primarily to support a wireless provider's antennae.~~