

Gadsden County Board of County Commission Agenda Request

Date of Meeting: December 17, 2013

Date Submitted: November 25, 2013

To: Honorable Chairman and Members of the Board

From: Robert Presnell, County Administrator
Allara Mills Gutchner, Planning and Community Development
Director

Subject: **PUBLIC HEARING** - Amendment of Chapter 5, Development Standards; Section 5800, Communication Towers.

Statement of Issue:

Subsection 5800 of the Land Development Regulations addresses the siting and development of communications towers.

Background:

Through recent requests for telecommunication tower development order approval, staff has realized that the current regulations in Section 5800 of the Land Development Code are challenging to the development and expansion of telecommunications services within Gadsden County.

As economic development has become a forefront issue recently, staff is currently reviewing the Land Development Regulations to propose changes to streamline and update regulations for ease of use, understanding, internal consistency and permitting.

Analysis:

Staff has reviewed the current regulation against development potential and various other telecommunication tower ordinances. The current regulation closely follows the City of Tallahassee ordinance, which is a much denser, urbanized jurisdiction than Gadsden County.

Recent discussions regarding the difference between a “deviation” which the County does not have a definition for, and a “variance” for which the County does have a definition and procedure for, were discussed at a BOCC meeting in October. It became apparent that the County needs to amend the regulation to either remove the “deviation” language, or define it and provide parameters for the usage of a deviation. The former

avenue was chosen, and a variance to certain requirements of the Code are now included in this Section of the regulation itself.

In addition, it was discovered that the current setbacks are much greater than any other jurisdiction requires. The industry standard is to require setbacks from residential areas that are 100% of the structural fall zone. However, this proposal requires that setback from the property line for Alternate Tower Structures, and 1.5 times the fall zone for standard towers and structures. The purpose here is to prevent any tower from falling onto an adjacent property. In addition, newly created tower separation distances are introduced.

A new requirement not currently included in the regulation is that the applicant must provide a visual impact analysis if applying for a variance (currently referred to as a deviation) from the requirements of this Section. Variances cannot be afforded for exceeding height limitations, or separation distances. Also, three new land use categories are added by right into those allowable for the installation of these uses. These include: Mining, Silviculture, and Public.

Other changes include changing the “camouflaged” tower language to “Alternate Tower Structure” to better identify the use of these types of towers, rearranging the order of the text to flow better, and language to exempt amateur radio antennas and temporary antennas from the requirements of a development order.

The table below more specifically describes the changes to this Section. Generally, language throughout was changed from “towers” to “antennas, towers, and structures”.

Analysis of Changes to Section 5800 – Communication Towers

Current	New	Notes
Subsection 5801	Subsection 5801	Opinion language removed; simplified purpose and intent
Subsection 5802	Subsection 5802	Minor change
Subsection 5803 and 5804	Subsection 5803	Combined sections to better organize all exemptions that were located in both sections. Added subsections 5803(F) through (I).
Subsection 5810	Subsection 5804	Moved forward from later in Section for better organization and flow.
Subsection 5808	Subsection 5805	Moved forward from later in Section for better organization and flow.
Subsection 5805(A)	Subsection 5806	Reorganized all locational criteria into one subsection.
N/A	Subsection 5806(A)	New language – separation requirements.
N/A	Table 5.1	New regulation – separation distances.
Subsections 5805(B) and	Subsection	Revised setback language from existing.

***Amendment of Section 5800
Communications Towers***

Current	New	Notes
5806(A)	5806(B)	Requires setbacks from property lines as measured by the fall zones.
Subsection 5807	Subsection 5806(C)	Moved language to organize with other locational criteria.
N/A	Subsection 5806(D)	New language to speak to development in floodplains.
N/A	Subsection 5806(E)	This language is needed to determine setback lines.
Subsection 5809	Subsection 5807	Clarified language. Included measurement of height in definitions to apply to all towers, not just standard towers. Clarified lighting as required by FAA is not a deviation or variance from this Code.
N/A	Subsection 5807(E)	Requires tree-formed towers to be of a certain density.
Subsection 5811	Subsection 5808	Clarified application review standards.
Subsection 5811(H)	Subsection 5809	Moved variance regulations into its own subsection.
N/A	Subsection 5809(B)	Clarifications, added language to require a visual impact analysis with any variance request.
Subsection 5811(H)	Subsection 5809(A)	Removed “deviation” language to become variance procedures.
Subsection 5812	Subsection 5810	Clarifications; added notification requirements for abandonment.

Planning Department Findings:

The amendment to this Section of the Code will better allow staff to review development requests, and better allow applicants to understand the County requirements. Updates to the Definitions Chapter, Subsection 2101, are also submitted to be internally consistent.

This request to amend the Land Development Code is consistent with the goals, objectives, and policies of the Comprehensive Plan. The Comprehensive Plan is silent specific to telecommunications towers.

Planning Commission Recommendation/Findings:

The Gadsden County Planning Commission reviewed the request on November 14, 2013. After much discussion the Planning Commission voted to recommend by a unanimous vote that the Board of County Commissioners not adopt the amendment to Section 5800 as presented. Planning Commission concerns primarily included setbacks of towers from property lines and residential structures.

***Amendment of Section 5800
Communications Towers***

The Planning Commission unanimously voted to request that the Board of County Commissioners allow them to hold a special workshop to discuss potential changes to the Section. They selected a date of January 9, 2014.

Options:

1. Adopt Ordinance 2013-011 as presented and authorize the Chairman to execute.
2. Don't adopt Ordinance 2013-011 as presented and direct the Planning Commission to hold a public workshop on January 9, 2014 to further review the amendment.
3. Adopt Ordinance 2013-011 with changes and authorize the Chairman to execute.
4. Board Direction

Staff Recommendation:

Option #2

Attachments:

1. Ordinance 2013-011 with exhibits
2. Written submittal from Marion Lasley received at November 14, 2013 Planning Commission meeting.
3. Public Notice

ORDINANCE 2013 -011

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF GADSDEN COUNTY, FLORIDA AMENDING THE LAND DEVELOPMENT CODE CHAPTER 5, DEVELOPMENT STANDARDS; SECTION 5800 COMMUNICATION TOWERS; AMENDING STANDARDS FOR THE LOCATION AND DEVELOPMENT OF COMMUNICATIONS TOWERS; AMENDING CHAPTER 2, SECTION 2100, THE DEFINITIONS PERTINENT THERETO; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Gadsden County has adopted the Gadsden County Land Development Code, as required pursuant to §163.3202, Florida Statutes; and

WHEREAS, the Board of County Commissioners of Gadsden County recognizes the need to amend the Land Development Regulations as a result of technological changes since the original communications tower ordinance was adopted; and

WHEREAS, the Board of County Commissioners of Gadsden County recognizes the specific regulation of the development of communications towers can serve economic development initiatives; and

WHEREAS, The Gadsden County Planning Commission, acting as the local planning agency, reviewed this amendment and made a recommendation to the Board of County Commissioners; and

WHEREAS, duly noticed public hearings were conducted on such proposed amendment on November 14, 2013 by the Gadsden County Planning Commission, and on December 17, 2013 by the Board of County Commissioners.

Now therefore, be it ordained by the Board of County Commissioners of Gadsden County, Florida, that:

Chapter 5, Section 5800 of the Gadsden County Land Development Code is amended, as specified in Exhibit "A" to this Ordinance, and;

Chapter 2, Section 2100 of the Gadsden County Land Development Code is amended, as specified in Exhibit "B" to this Ordinance.

SECTION I: Approval of Amendment.

We, the Board of County Commissioners of Gadsden County, hereby adopt the amendments to Chapter 5, Section 5800, as hereby included as Exhibit "A", and the definitions within Chapter 2, Section 2100, as hereby included as Exhibit "B", of the Gadsden County Land Development Code.

SECTION II: Repeal

All parts of Chapter 5, Section 5800 of the Gadsden County Land Development Code in existence prior to the adoption of this ordinance and in conflict herewith are hereby repealed and shall have no further effect whatsoever.

Those parts of Chapter 2, Section 2100, as amended by this ordinance and in existence prior to the adoption of this ordinance and in conflict herewith are hereby repealed and shall have no further effect whatsoever.

SECTION III: Severability

If any phrase or portion of this Ordinance, or the particular application thereof, shall be held invalid or unconstitutional by any court, administrative agency or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases and their application shall not be affected thereby.

Section 3: Effective Date

This Ordinance shall become effective upon filing with the Department of State.

The above and foregoing Ordinance was read and approved at a duly convened regular meeting of the Board of County Commissioners of Gadsden County, Florida, this 17th day of December, 2013.

BOARD OF COUNTY COMMISSIONERS OF GADSDEN COUNTY, FLORIDA

By: _____

Eric F. Hinson, Chairman

Nicholas Thomas
Clerk of the Circuit Court

ORDINANCE 2013-010
EXHIBIT A

SECTION 5800. Communication Antennas, Towers, and Structures.

Subsection 5801. Purpose and intent. ~~Gadsden County has on many occasions and with increasing frequency been confronted with requests to site communication towers and antennas. Prior to adoption of this ordinance, the Land Development Code contained no provisions specifically related to siting communication towers and antennas.~~ It is the intent of this ordinance to promote the health, safety and general welfare of the citizens of Gadsden County by regulating the siting of communication ~~towers and antennas,~~ towers and structures. It is also the purpose and intent of this ordinance to ~~provide guidance to communication service providers in finding areas where communication towers may be sited. Accordingly, the County finds that the promulgation of this ordinance is warranted and necessary to accomplish the following purpose: regulate the location, co-location, siting, and design of wireless communications facilities in order to provide an aesthetically pleasing environment by avoiding a proliferation of visually obtrusive facilities, and to promote the development of an advanced wireless communications infrastructure.~~

- ~~1. To direct the location of communication towers and antennas within the unincorporated area;~~
- ~~2. To protect residential areas and land uses from potential adverse impacts of communication towers;~~
- ~~3. To reduce adverse visual and aesthetic impacts of communication towers through careful design, siting, landscaping and innovative aesthetic mitigation;~~
- ~~4. To accommodate the growing needs for communication towers;~~
- ~~5. To promote and require shared use/co-location of existing and new communication towers as the preferred option rather than construction of single-use towers;~~
- ~~6. To consider the public health and safety of communication towers;~~
- ~~7. To avoid or reduce potential damage to adjacent properties from the perspective of public safety, from tower failures through engineering and careful siting of tower structures.~~
- ~~8. To provide guidance and certainty for communication service providers in finding areas where communication towers may be sited.~~
- ~~9. To strongly encourage and provide incentives for camouflaged towers where and when appropriate.~~

(Ord. # 1997-002, 11-18-97) (Ord. # 2001-008, 8-7-01)

Section 5802. Applicability. All new communication antennas, ~~and communication towers,~~ or structures in the County shall be subject to these siting and location regulations and all other applicable building and construction codes. In the event of any conflict between other land use regulations and the regulations contained in this Section, the provision of this section shall override and supersede such other regulations unless otherwise specifically set forth herein.

(Ord. # 1997-002, 11-18-97)

It is the intent of this ordinance to further the County's communication needs while respecting the visual and physical environment. Permits will be granted for valid Radio Frequency solutions for telecommunications service providers. Tower companies will not be granted permits without a letter of commitment from a first use telecommunications carrier. "Spec" towers, or towers with no confirmed clients, will not be permitted.

(Ord. # 2001-008, 8-7-01)

Subsection 5803. Exemptions. The provisions of this section shall not apply to the following. If an antenna, tower or structure meets any of the following requirements, an application for such antenna, tower, or structure shall be approved administratively through the Type I Review Procedures as specified in Subsection 7201.

A. Public Lands. Communication antennas, ~~and monopole communication towers and structures not subject to lighting requirements under FCC regulations,~~ which are located on property, rights-of-way or easements owned by the United States, the State of Florida, or the Gadsden County Board of County Commissioners that comply with the requirements of Subsection 5804.

(Ord. # 1997-002, 11-18-97) (Ord. # 2001-008, 8-7-01)

B. Previously permitted. Any valid development order permit issued prior to the effective date of this ordinance so long as the development order permit and associated outside agency permits or approvals remain valid and current.

C. Maintenance. Routine maintenance of antennas and towers and structures as long as such maintenance does not increase the height of any antenna, tower or structure by more than twenty-five (25) feet.

D. Height. A communication antenna, tower or structure that is less than or equal to fifty (50) feet in total height.

E. Co-location. The co-location of facilities or structures provided that:

1. The co-location does not increase the height of the existing antenna, tower or structure to which the equipment is to be attached, measured to the highest point of any part of the structure;
2. The co-location does not increase ground space area or compound for the equipment and/or equipment shelters associated with the function and operation of the antenna, tower or structure approved in the original site plan by more than 400 square feet or fifty (50) percent of the original compound size, whichever is greater; and,
3. The co-location consists of antennae, equipment and equipment shelters that are of a design and configuration that would have been consistent with any applicable structural or regulatory requirements for wireless communication facilities that were in effect prior to the adoption of this section of the Code and governed the approval of the existing wireless communication facilities.

F. Television reception. Any antenna attached to an existing structure and is not more than twenty-five (25) feet in height, and is used solely for the use of private television reception.

G. Amateur radio antennas. Amateur radio antennas under sixty (60) feet in height, as regulated by the FCC.

H. Antennas attached to structures. Any antenna that is located on an existing non-residential structure, provided the antenna does not extend more than fifty (50) feet above the existing structure.

I. Temporary uses. Temporary, free-standing antennas for usage not to exceed seven (7) days.

Subsection 5804. Alternate Tower Structures. Alternate tower structures are encouraged. To provide an incentive for alternate tower structures the following shall apply:

A. Design. Alternate tower structures on buildings must be disguised to appear as an accessory structure that is normally associated with the principal use occupying the property. Other alternate tower structures must be disguised to blend in with other facilities on the property or existing vegetation. If the type of alternate tower structure used in the design involves a tree tower, at minimum a medium-density branch construction is required.
(Ord. # 2003-006, 8-19-03)

B. Finish and Lighting. Surface finish, paint or markings alone are insufficient to qualify for a determination as an alternate tower structure.
(Ord. # 2003-006, 8-19-03)

C. Height. Alternate tower structures that are camouflaged as trees shall not exceed a height of 170 feet.

D. Use by Right. Alternate tower structures shall be permitted as a use-by-right in all land use categories except Rural Residential.
(Ord. # 2003-006, 8-19-03)

E. Type of Review. Alternate tower structures shall be processed as a Type I review.
(Ord. # 2003-006, 8-19-03) (Ord. # 2003-006, 8-19-03) **Subsection 5804. Existing communication towers and existing communication antennas.**

~~A. All communication towers existing of the effective date of this ordinance, shall be allowed to continue to be used as they presently exist. Routine maintenance (including modifications to accommodate the co-location of an additional user or users) shall be permitted on such existing towers. As a condition for receiving a permit for work on an existing tower, the existing tower's capacity must be increased to provide for co-location. If the existing tower already provides capacity~~

~~for or actual co-location, then this requirement is not necessary. New construction, other than routine maintenance and modifications to accommodate co-location on an existing communication tower, shall comply with the requirements of this Ordinance. Routine maintenance shall not include any activity that includes structural changes.~~

~~B. For purposes of this Section, a communication tower that has received final approval as either special exception approval or a building permit, but has not yet been constructed shall be considered an existing tower so long as such approval is valid and unexpired as of the effective date of this ordinance.~~

~~(Ord. # 1997-002, 11-18-97) (Ord. # 2001-008, 8-7-01)~~

Subsection 5805. Co-location. Planning for additional capacity on existing and new towers and structures is mandatory. All permits for structural changes on antennas, towers or structures existing prior to the effective date of this ordinance and for all antennas, towers and structures built after the effective date of this ordinance shall require the applicant to provide for co-location. Prior to receiving approval for a new tower or structure the applicant will be required to sign a development agreement with the County that states the applicant will permit co-location of additional providers' communications equipment.

If the communication tower or structure is under 180 feet in height, then co-location shall be provided for at least one other communication service provider. If the tower or structure is 180 feet or greater, then co-location shall be provided for two or more additional communication service providers.

~~(Ord. # 1997-002, 11-18-97) (Ord. # 2001-008, 8-7-01)~~

Subsection 58056. Location of antenna, towers or structures. A communication antenna, tower or structure may be located in any Commercial, Industrial, Public, Agricultural, Mining, or Silviculture land use category as a use-by-right and shall require a Type II administrative review for development order permitting.

A. Land Use Category. A communication tower may be located in the following land use categories as a use-by-right and shall not be subject to review by the Planning Commission or the Board of County Commissioners so long as it meets the requirements of this Code.

- ~~1. Commercial~~
- ~~2. Industrial~~
- ~~3. Agriculture 1~~
- ~~4. Agriculture 2~~
- ~~5. Agriculture 3~~

~~Prior to approval of any location after the effective date of this ordinance, the applicant must demonstrate that all opportunities have been exhausted without success to locate the communication equipment on 1) public lands owned by the Gadsden County Board of County Commissioners (public lands owned by the Gadsden County Board of County~~

~~Commissioners are exempt from the location requirements for tower sites if the tower is originated by the BOCC); 2) existing towers; 3) water towers; 4) public buildings. Once the preceding has been fulfilled without success, the following will apply.~~

~~(Ord. # 1997-002, 11-18-97) (Ord. # 2001-008, 8-7-01)~~

~~B.Restrictions on Use by Right:~~ ~~A communication tower may locate in the above five (5) land use categories, unless the following conditions apply:~~

- ~~1. The subject property is located within 0.50 miles of land that is designated Rural Residential on the land use map. A communication antenna or communication tower that is less than or equal to fifty feet (50') shall be permitted within the residential protection zone.~~
- ~~2. The subject property is within 0.50 miles of a parcel of land or a structure designated as Historic on the County Future Land Use Map. A communication antenna or communication tower that is less than or equal to fifty feet (50') shall be permitted within the historic protection zone.~~

~~A communication antenna may be located on an existing non-residential structure, provided the communication tower or communication antenna does not extend more than fifty feet (50') above the existing structure. Such structures may include, but are not limited to non-residential buildings, water towers, existing communication towers, recreation light fixtures and other public utility structures. Communication antennas that are located on the previously listed non-residential structures are not subject to the location criteria.~~

- ~~0. Communications towers may not locate closer than 2X the tower height from any County right-of-way, except as listed in Subsection 5807.~~

~~(Ord. # 2003-006, 8-19-03)~~

A. Minimum Separation Requirements between Telecommunications Towers.

Separation distances between towers used for telecommunications services, shall be maintained and measured between the proposed tower and pre-existing towers. The separation distances shall be measured by using current aerial photographs and Gadsden County Property Appraiser information and by using a straight line between the center point of the current tower and the center point of the proposed tower. Table 5.1 depicts the required separation distances. Separation distances are not an allowable variance regulation and all applicants must adhere to the requirements of this subsection.

TABLE 5.1 – Minimum Separation Distances Between Towers by Types (in feet).

<u>Type of Tower or Structure</u>	<u>Lattice</u>	<u>Guyed</u>	<u>Monopole >100 feet</u>	<u>Monopole <100 feet</u>	<u>Alternate Tower Structure</u>
<u>Lattice</u>	<u>2,500</u>	<u>2,500</u>	<u>1,500</u>	<u>1,000</u>	<u>750</u>
<u>Guyed</u>	<u>2,500</u>	<u>2,500</u>	<u>1,500</u>	<u>1,000</u>	<u>750</u>
<u>Monopole > 100 feet</u>	<u>1,500</u>	<u>1,500</u>	<u>1,500</u>	<u>1,000</u>	<u>500</u>
<u>Monopole < 100 feet</u>	<u>1,000</u>	<u>1,000</u>	<u>1,500</u>	<u>1,000</u>	<u>500</u>

<u>Alternate Tower Structure</u>	<u>750</u>	<u>750</u>	<u>500</u>	<u>500</u>	<u>100</u>
--	------------	------------	------------	------------	------------

~~Subsection 5806. Location of communication towers and their proximity to parcels of land with residences.~~

AB. Setbacks from property lines. Regardless of the land use category in which a communication tower is located, the tower shall meet the following standards regarding their location to parcels of land the property line(s) on which the antenna, tower or structure is located.~~that have homestead exemption.~~

1. ~~The setback for an alternate tower structure~~Camouflaged towers shall be at least permitted within 2X's equal to the height fall zone area of the tower from the property line, or nearest residential structure, whichever is greater~~from residential property lines within which there are residential structures.~~
2. ~~The setback for any other antenna, T~~ower's or structure that are not lit shall be at least 5x's one and a half (1.5) times the height offall zone area from the tower or four hundred and fifty feet (450'), whichever is greater, from the property line(s), or nearest residential structure, whichever is greater~~of the parcels of land in which a residence is located.~~
3. ~~Tower's that are lit at night with red lights shall be at least 7x's the height of the tower from property lines of parcels of land in which a residence is located.~~
4. ~~Tower's shall not be lit at night with white lights.~~
5. ~~Property owners' with tracts of land that are designated Agriculture on the county Future Land Use Map and who are petitioning the county for tower sites shall be exempt from the distance requirements as they apply to their individual residences.~~

(Ord. # 2003-006, 8-19-03)

BC. Measurement~~Protection of visual corridors.~~ Distances shall be measured from the center of the base of the communication tower to the property line. A communication antenna, tower or structure shall not be located within 200 feet of Interstate 10, US 27, US 90, SR 267 and SR 12. Setbacks as determined in Subsection 5806(B) shall still apply.

(Ord. # 1997-002, 11-18-97) (Ord. # 2001-008, 8-7-01)

Subsection 5807. Location of communication towers and their proximity to Interstate 10, US 27, US 90, SR 267 and SR 12. If a tower is to be located adjacent to the above referenced roadways, then the tower shall be subject to criteria A. above and shall be located no closer than 3X's the height of the tower to the leading edge of the ROW.

(Ord. # 2001-008, 8-7-01)

D. Environmentally Sensitive Lands. Any request for development shall adhere to the Gadsden County Code of Ordinances, Chapter 42, Article II, Flood Damage Prevention.

E. Measurement of setbacks. The setback measurement shall be taken from the leading edge of the property line to the centerline of the antenna, tower, or structure.

~~**Subsection 5808. Co-location.** Limiting unnecessary communication towers while providing service required by the market is important to Gadsden County. Therefore, to implement this objective, planning for additional capacity on existing and new towers is mandatory. All permits for structural changes on towers existing prior to the effective date of this ordinance and for all towers built after the effective date of this ordinance shall be conditioned on the applicant providing for co-location. Prior to receiving approval for a new tower after the effective date of this ordinance, the applicant will be required to sign an agreement with the County agreeing that the applicant will permit co-location of additional providers' communication equipment.~~

~~If the communication tower is 180 feet or lower, then co-location shall be provided for at least one other communication service provider. If the tower is greater than 180 feet, then co-location shall be provided for two or more additional communication service providers.~~

~~(Ord. # 1997-002, 11-18-97) (Ord. # 2001-008, 8-7-01)~~

Subsection 58097. Design standards.

A. Maximum Height. ~~Notwithstanding anything to the contrary in the Gadsden County Land Development Code, t~~The maximum height of a communication antenna, tower or structure~~towers shall be two-hundred fifty (250) feet (250'), except in the Agriculture 1 category, where no communication tower shall be greater than 150 feet in height. Measurements of communication tower height shall include the base pad, and other appurtenances and shall be measured from the natural grade of the tower site. The relationship between height and co-location shall apply as included in the section above. This limitation is not subject to a variance request.~~

~~(Ord. # 1997-002, 11-18-97) (Ord. # 2001-008, 8-7-01)~~

B. Illumination. ~~Communication towers lighting shall not shine on the ground or be directly visible from a residence to assure human safety or as required by the Federal Aviation Administration (FAA). Lighting shall be designed to be shielded from being directly visible from residences within the location proximities listed in criteria F above. Lighting above twenty (20) feet on the structure or within the compound of the structure, tower, or antenna is limited to that which is required by the Federal Aviation Administration or other federal agencies.~~

~~(Ord. # 1997-002, 11-18-97) (Ord. # 2001-008, 8-7-01)~~

C. Finished Color. Communication antennas, towers or structures~~towers~~ not requiring FAA painting/marketing shall have either a galvanized finish or painted sky blue, gray or black finish, unless an alternate tower structure is constructed.

~~(Ord. # 1997-002, 11-18-97) (Ord. # 2001-008, 8-7-01)~~

D. Structural Design. Communication antennas, towers or structures~~towers~~ shall be designed and constructed to ensure that the structural failure or collapse of the tower

will not create a safety hazard, according to latest EIA/TIA standards, to adjoining properties. Communication antennas, towers or structures shall be constructed to the EIA/TIA standards as published by the Electronic Industries Association, and all applicable Building codes ~~and as determined necessary by the Building Official~~. All improvements to any existing communication antennas, towers or structures shall meet all current construction standards.

(Ord. # 1997-002, 11-18-97) (Ord. # 2001-008, 8-7-01)

- E. Fencing.** A minimum six (6) foot ~~(6')~~ opaque fence or wall shall be required around all communication ~~tower~~ sites. Access to the communication antenna, tower or structure shall be through a locked gate. Fencing is not required around alternate tower structures.

(Ord. # 1997-002, 11-18-97) (Ord. # 2001-008, 8-7-01)

- F. Landscaping.** The following landscaping and buffering shall be required around the perimeter of the communication ~~tower~~ site, unless an alternate tower structure is used in the design of the antenna, tower or structure, except that the requirements may be waived by the Growth Management Director for those sides of the communication tower that are located adjacent to undevelopable lands or land not in the public view. Required ~~Landscaping~~ shall be installed ~~on the~~ outside of the fence. Further, ~~Existing~~ vegetation shall be preserved to the maximum extent practicable and may be used as a substitute for, or as a credit toward, meeting the landscaping requirements.

1. A row of ~~shade evergreen~~ trees a minimum of six (6) feet ~~(6')~~ tall and a maximum of ten (10) feet ~~(10')~~ apart shall be planted around the perimeter fence.
2. A continuous hedge at least thirty (30) inches ~~(30")~~ in height at planting and capable of growing to at least thirty-six (36) inches ~~(36")~~ in height within eighteen (18) months shall be planted on the outside of the perimeter fence and outside the evergreen tree perimeter.
3. All landscaping shall be ~~of the evergreen, native species varieties.~~
4. Native species shall be used for all landscaping requirements.
- 4.5. All landscaping shall be xeriscape tolerant landscaping or irrigated and properly maintained to ensure good health and viability.
56. Regular maintenance of landscaping shall rest with the owner of the tower.

(Ord. # 1997-002, 11-18-97) (Ord. # 2001-008, 8-7-01)

- G. Advertising.** No advertising shall be permitted on the communication antenna, tower or structure ~~tower~~ or communication ~~tower~~ site.

(Ord. # 1997-002, 11-18-97) (Ord. # 2001-008, 8-7-01)

- H. Coverage.** For ~~T~~towers and structures providing cellular communication services, coverage areas will be designed to provide maximum service to the local area possible for the site. Single purpose coverage towers, e.g., towers designed for Interstate service only, will not be permitted.

(Ord. # 2003-006, 8-19-03)

~~Subsection 5810. Camouflaged Towers. Camouflaged communication towers are~~

~~encouraged in all land use categories, except the Rural Residential land use category. To provide an incentive for camouflaged tower's the following shall apply:~~

~~**A. Design.** Camouflaged communication towers on buildings must be disguised to appear as an accessory structure that is normally associated with the principal use occupying the property. Other camouflaged communication towers must be disguised to blend in with other facilities on the property or existing vegetation. Examples of camouflaged communication towers would be a communication towers constructed in the form and shape of a tree to be part of a forested area, or a tower constructed to appear to be a component of a bell or clock tower on sites with compatible buildings or a component of a church steeple on sites with churches.~~

~~(Ord. # 2003-006, 8-19-03)~~

~~**B. Finish and Lighting.** Surface finish, paint/ or markings alone are insufficient to qualify for a determination as a camouflaged communication tower. Camouflaged towers shall not be lit. Camouflaged towers shall be one hundred fifty feet (150') in height or less.~~

~~(Ord. # 2003-006, 8-19-03)~~

~~**C. Use by Right.** Camouflaged communication towers shall be permitted as a use-by-right in all land use categories (except Rural Residential) regardless of the location standards set forth in this ordinance.~~

~~(Ord. # 2003-006, 8-19-03)~~

~~**D. Type of Review.** Camouflaged communication towers shall be processed as a Class I land use and a Type I review.~~

~~(Ord. # 2003-006, 8-19-03)~~

~~**E. Setbacks.** Camouflaged towers shall be permitted within 2X's the height of the tower from residential property lines within which there are residential structures.~~

~~(Ord. # 2003-006, 8-19-03)~~

Subsection 581408. Procedures for Application Approval. The following procedures shall be followed and documentation shall be submitted for the application and approval process for all new communications antennas, towers or structures~~towers covered by this ordinance.~~ All communication antennas, towers and structures are subject to Type I Review Procedures as specified in Subsection 7202 of this Code.

~~(Ord. # 1997-002, 11-18-97) (Ord. # 2001-08, 8-7-01)~~

A. Pre-application Conference. A pre-application conference as outlined in the this Code Gadsden County Land Development Code shall be required.

~~(Ord. # 1997-002, 11-18-97) (Ord. # 2001-08, 8-7-01)~~

B. Location Application review. ~~All requests for communication towers and communication antenna shall be processed as a Type I Land Use. A decision to deny an application for the siting of a communication tower or communication antenna shall be in writing. No location for placement, construction or modification of a communication tower or communication antenna shall be regulated based on the environmental effects of radio frequency emissions to the extent that the~~

~~communication tower and communication antennas comply with the FCC regulations concerning such emissions. Site plan requirements pursuant to the Gadsden County Land Development Code shall be followed. Applicants requesting communication tower sites must demonstrate that the location criteria are met. An application as prepared by the County shall be submitted to the Planning and Community Development Department with all requisite materials and documents as specified in Subsection 5808(E).~~

~~(Ord. # 1997-002, 11-18-97) (Ord. # 2001-08, 8-7-01)~~

C. FAA Determination of No-Hazard. The applicant must submit, as part of the application process, a valid determination of “No-hazard” from the FAA, or the AFR number of the project, as applicable.

D. Certification of Compliance with FCC (NIER) Standards. ~~Acknowledgement that~~ Prior to receiving final inspection, the applicant shall certify in writing by letter submitted to the ~~Growth Management Department~~ County that the communication ~~antenna, tower or structure~~ tower complies with all current FCC regulations for non-ionizing electromagnetic radiation (NIER) and that the radio frequency levels meet the American National Standards Institute (ANSI) C95 guidelines for public safety. The ~~Growth Management Director~~ Planning and Community Development department representative shall indicate on the site plan approval that this certification has been received.

~~(Ord. # 1997-002, 11-18-97) (Ord. # 2001-08, 8-7-01)~~

E. Site Plan requirements. Prior to any approval of a communication antenna, tower or structure ~~tower~~ site, a site plan consistent with the requirements of Chapters 5 and 7 of the Gadsden County Land Development Code shall be submitted by the applicant with the application for development approval ~~for Department approval as part of the application~~. This shall include, but is not limited to:

1. A scaled site plan clearly indicating the site, type and height of the proposed antenna, tower, or structure, the location of any accessory structures, on-site land uses, adjacent land uses, adjacent roadways, proposed means of access, setbacks, and elevation drawings.
2. A current aerial map as maintained by the Gadsden County Property Appraiser's Office, showing the location of the proposed tower.
3. A legal description of the parent tract and tower site.
4. A landscape plan, to include fencing and landscaping materials.

~~(Ord. # 2001-08, 8-7-01)~~

F. ~~Deviations~~ Subsection 5809. Variants from standards in this section.

A. Variance Requests. ~~Deviations~~ Any variance from the requirements of this ~~code section~~ shall be subject to Subsections 7001.1, 7301(A)(2), 7301(B), 7301(D) through 7301(H), and Section 7500 of this Code, and shall be approved by the Board of County Commissioners. Any variance request shall be heard as a Quasi-judicial hearing. ~~be processed as Class II land uses and reviewed according to the~~

~~criteria contained in the Gadsden County Land Development Code, and as described below, and shall be required to meet the following standards:~~

- ~~1. The variance will not be detrimental to the public good or to the surrounding properties.~~
- ~~2. The relief sought does not result from the actions of the applicant nor could the condition or circumstances be corrected or avoided by the applicant.~~
- ~~3. The relief granted is the minimum degree of relief necessary for make possible the reasonable use of the land to provide the communication service.~~
- ~~4. Literal interpretation of the provisions of this Code would deprive the applicant of rights commonly enjoyed by other developers requesting the same type of development, imposing undue hardship on the applicant.~~
- ~~5. The grant for relief would not violate the general intent and purpose of this Code nor the policies of the Comprehensive Plan.~~
- ~~6. The grant of relief would not create unsafe conditions nor other detriments to the public welfare beyond the normal effects of development otherwise allowed.~~

(Ord. # 1997-002, 11-18-97) (Ord. # 2001-08, 8-7-01)

~~G.B. Information required as part of the variance request.~~ ~~Supplemental Information Required for Deviations from the Standards in this Section.~~ The following information shall be included with all applications requesting ~~deviations a variance or variances~~ from the standards contained in this section. The applicant may use any combination of site plans, surveys, maps, technical reports or written narratives necessary to convey the following information.

- ~~1. An application for communication antenna, tower, or structure variance approval as provided by the Planning and Community Development Department.~~
- ~~1.2.~~ A scaled site plan clearly indicating the tower site, type and height of the proposed tower, the location of the ~~accessory building compound~~, on-site land uses and ~~adjacent~~ land use category~~ies~~, ~~adjacent land use categories~~, adjacent roadways, proposed means of access, ~~distances setbacks~~ from property lines, elevation drawings of the proposed communication tower, and any other proposed structures.
- ~~23.~~ A current aerial map, as maintained by the Gadsden County Property Appraiser's Office, showing the location of the proposed communication tower.
- ~~34.~~ A legal description of the parent tract and tower site.
- ~~54.~~ If the proposed communication ~~antenna, tower or structure~~ site ~~does not~~ meets the required minimum ~~setback requirement distance from residential lot lines~~, the ~~approximate~~ distance between the proposed ~~tower compound~~ and the nearest ~~property boundary. residential lot line, platted residential properties, or unplatted residential properties.~~ If the proposed tower does not meet the minimum distance requirements, then exact distances, locations and the identification of said properties shall be shown on the land use map.
- ~~65.~~ If a variance from the landscaping requirements is requested, ~~Aa~~ landscape plan showing specific landscape materials.

- ~~76. If a variance from the fencing requirements is requested, the method of fencing, finished color and if applicable, the method of aesthetic mitigation and illumination.~~
- ~~7. If the applicant is not co-locating on the proposed communication tower of another provider, evidence that it has made diligent but unsuccessful efforts to co-locate its antenna and associated equipment on an existing structure.~~
- ~~8. Evidence that the applicant has made diligent but unsuccessful efforts to locate the proposed communication tower on suitable government-owned property. The applicant shall be required to provide a visual impact analysis with any variance application package. The visual impact analysis shall assess the cumulative impacts of the proposed facility, and shall identify and include all feasible mitigation measures necessary to mitigate any negative visual impact by the proposed tower. The visual impact analysis shall include:~~
- ~~a. A photograph simulation or detailed artist rendering of predevelopment versus post-development views from key viewpoints, but from no less than four views.~~
 - ~~b. A photography simulation or detailed artist rendering of the requested site design in comparison to the site design if constructed to the requirements of this Code.~~
 - ~~c. An analysis of possible alternative tower structure designs and color schemes.~~
 - ~~d. An analysis of the visual impact of the tower base, accessory buildings and overhead utility lines from abutting properties and streets.~~
- ~~9. The written consent by the applicant that any deviations from the standards in this section shall be conditioned upon requiring the applicant to a) construct the proposed tower to provide sufficient excess capacity over the initial loading and b) permit at least two (2) other comparable communication provider to use the proposed tower where feasible and subject to reasonable terms. The term **where feasible**, as it applies to co-location means that utilization of a communication tower by another party would, at the time of such utilization, comply with sound engineering principles, would not materially degrade or impair the communication tower's utilization by the existing user(s), would not unduly burden the tower structurally and would not otherwise materially and adversely impact the existing user(s). **Reasonable terms** for use of a communication tower that may be imposed by the owner include a requirement for reasonable rent or fees, taking into consideration the capital cost of the communication tower and land, the incremental cost of designing and constructing the tower to accommodate the additional users, increases in maintenance expenses relating to the communication tower and a fair return on investment, provided such amounts are also consistent with rates paid by other co-locators at comparable communication tower sites;~~
- ~~10. With respect to deviations only, certification by the applicant that the proposed communication tower shall not be considered if it is possible to serve the same areas within additional smaller towers that meet the criteria in E - P above and~~

- ~~is necessary to serve an adjacent or nearby residential area or areas.~~
- ~~11. If the applicant is requesting a deviation from the standards of this Code, then a camouflaged tower may be used to fulfill compatibility concerns by the County. The camouflaging technique shall be consistent with the definition included in this code and approved by the Board of County Commissioners.~~
- ~~(Ord. # 1997-002, 11-18-97) (Ord. # 2001-08, 8-7-01)~~

~~**H. Criteria for Deviations from the Standards Contained in this Section.** A deviation from the requirements of this ordinance may be granted only upon a finding by the Board of County Commissioners that the following are met:~~

- ~~1. The deviation will not be detrimental to the public good or to the surrounding properties.~~
- ~~2. The location of existing uses, structures or other features on or adjacent to the property create a need for the deviation.~~
- ~~3. The deviation sought is the minimum necessary to address the need for the deviation, subsequent subject to exploring all reasonable siting alternatives.~~
- ~~4. The location of the proposed communication tower in relation to existing structures, trees and other visual buffers shall minimize to the greatest extent reasonably practical under the circumstances any impacts on affected residentially developed or parcels designated as Rural Residential on the land use map.~~
- ~~5. The communication tower will be compatible to the greatest extent possible, with the existing contiguous uses or compatible with the general character and aesthetics of the neighborhood or the area, considering the design and height of the communication tower, the mitigating affects of any existing or proposed landscaping, fencing or other structures in the area, the proximity of the communication tower to existing or proposed buildings or structures and similar factors.~~
- ~~6. The strict application of the requirements of this section will constitute a substantial hardship to the applicant.~~
- ~~7. The granting of the deviation is consistent with the general intent and purpose of the Comprehensive Plan.~~ (Ord. # 1997-002, 11-18-97) (Ord. # 2001-08, 8-7-01)

Subsection 581210. Abandonment. In the event the use of any communication antenna, tower or structure~~tower~~ has been discontinued, or not used for transmission or retransmission for one hundred eighty (180) consecutive days, the communication ~~tower~~ antenna, tower or structure shall be deemed to be abandoned. Determination of the date of abandonment shall be ~~made by the Director of Growth Management (or his/her designee),~~ based upon documentation and/or affidavits from the communication tower owner/operator regarding the issue of communication tower usage, and/or from electrical usage records.

A. Limitations of time. Upon the ~~Director's~~ County's determination of such abandonment, the owner/operator of the communication ~~tower~~ site shall have an additional one hundred eighty (180) days to:

1. Reactivate the use of, or transfer the communication antenna, tower or structure~~tower or transfer the communication tower~~ to another owner/operator who makes actual use of the communication antenna, tower or structure~~tower~~; or
2. Dismantle and remove the antenna, tower or structure~~tower~~.

A.B. Notification requirements. Upon determination of such abandonment, the County shall notify the owner of the property of record as recorded at the Gadsden County Property Appraiser by certified mail, return receipt, of the above requirements pursuant to abandonment.
(Ord. # 2001-008, 8-7-01)

CHAPTER 2

DEFINITIONS AND INTERPRETATIONS.

SECTION 2000. Interpretation.

The following rules shall be observed in the application and interpretation of provisions of this Code, except when the context clearly requires otherwise.

1. The words "**shall**" or "**must**" are mandatory. The words "**should**" or "**may**" are permissive.
2. Words used or defined in one tense or form shall include other tenses or derivative forms.
3. Words in the singular shall include the plural; words in the plural shall include the singular.
4. Words referencing the masculine gender shall extend and be applied to the female gender and shall be considered to be gender neutral.
5. The word "**includes**" shall not limit a term to the specified examples, but is intended to extend its meaning to all other instances or circumstances of like kind or character.

(Ord. # 1996-005, 7-2-96)

DEFINITIONS.

Subsection 2102. Specifically.

Alternate Tower Structures: Towers or structures that camouflage or conceal the presence of antennas, towers, or structures. These shall include, but are not limited to, flagpoles, man-made trees, clock towers, bell steeples, light poles, and similar alternative-design mounting structures.

Amateur: An interested person solely with a personal aim and without direct monetary or other similar reward.

Amateur radio antenna: Any antenna installed for the primary use of designated radio frequency spectra for purposes of private recreation, non-commercial exchange of messages, wireless experimentation, self-training, and emergency communication.

Antenna: A rod, wire, or other device used to transmit or receive radio or television signals. An antenna designated to transmit and/or receive communications as authorized by the Federal Communications Commission. The term communication antenna shall not include antennas utilized by amateur radio operators licensed by the FCC, or communication antennas utilized by rural electric cooperatives for the provision of essential services which include, water, wastewater, natural gas and electric, or

~~communication antennas utilized for two way radio communication where the communication is between the base and the individual radio unit.~~

Co-location: The use of a single structure mount or ground mount to support the antennas of more than one wireless communication facility.

Communications Antenna: An exterior device for sending or receiving signals approved by the Federal Communications Commission and used by wireless service providers installed on a mount. This shall include multiple antennas arranged in a set or array that function as a single unit installed on a mount. The term “communications antenna” shall not include antennas utilized by amateur radio operators licensed by the FCC, or residential receiving antennas less than twenty-five (25) feet in height.

Communications antenna, tower or structure height: The measurement including the base of the pad, as measured from the natural, pre-development grade of the tower site, to the highest point of the antenna, tower or structure.

Communications Structure: Any plant, equipment and property, including, but not limited to, cables, wires, conduits, ducts, pedestals, antennas, towers, alternative tower structures, electronics, and other appurtenances used to transmit, receive, distribute, provide or offer telecommunications services.

Communications Tower: Any structure designed and constructed primarily for the purpose of supporting one or more antennas, including, but not limited to, self-supporting lattice towers, guy towers, or monopole towers. This term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, and other similar structures.

FAA: Federal Aviation Administration.

FCC: Federal Communications Commission.

Telecommunications: The transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

Telecommunications carrier: Any provider of telecommunications services.

Telecommunications equipment: Equipment, other than customer premises equipment, used by a carrier to provide telecommunications services, and includes software integral to such equipment.

Telecommunications facilities: The compound, equipment, towers, structures, antennas, fencing, landscaping, and any other reliant equipment used to transmit, receive, distribute, provide or offer telecommunications services.

Telecommunications service: Shall mean the providing or offering for rent, sale or lease, or in exchange for other value received, of the transmittal of voice, data, image, graphic and video programming information between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite, or similar facilities, with or without benefit of any closed transmission medium.
(Ord. # 1996-005, 7-2-96)

~~**Tower, Communication:** Any structure that supports communication equipment. The term communication equipment shall not include amateur radio operators' equipment, including citizen band (CB), ham radio operations, VHF Marine, broadcast tower's for radio or television, or communication towers utilized by rural electric cooperatives for the provision of essential services which include, water, wastewater, natural gas and electric, or communication towers utilized for two way radio communication where the communication is between the base and the individual radio unit, and other similar operators. Design examples of communication towers are described as follows: a. self-supporting lattice; b. guyed; and c. monopole; d. any other tower type structure as determined by the Building Official.~~
(Ord. # 1997-002, 11-8-97)

Submitted by Marion Lasley 5 Dante Court Quincy

Planning Commission 11/14/13

Re: proposed changes to the Cell Tower ordinance

The original language of the cell tower code was devised to protect the health, safety and (mental, physical and financial) welfare of adjacent and surrounding home and landowners. Nothing in this new proposed code affords these protections to the tax-paying citizens of the County. The proposed siting setback requirements are excessively lenient so I propose we keep the original language to protect homeowners from the adverse impacts of a cell tower locating very, very close to them and the potential for a huge proliferation of cell towers all over the County.

According to the agenda report the following are statements refer to the proposed amendment and are in conflict with themselves or the Gadsden County Comprehensive Plan:

1. The issue of night-time lighting is definitely a constant annoyance and is not aesthetically pleasing
2. The presence or visual blight of a 250' metal tower as close as 350' (or even less) to a residence is also not esthetically pleasing.
3. Lower residential property values will occur due to visual blight.
4. Visual and lighting effects cannot be buffered.
5. The Fall zone is used as the setback criteria, not the height of the tower. This allows the tower to be located even closer to a residence.
6. Health impacts due to a high density of towers is not allowed to be discussed or used as an issue. This will be a great health study in the future about the real effects of multiple towers on an affected Gadsden County population.

Specifically, my itemized objections are as follows:

Section 5800

Subsection 5801:

1. "...*health, safety and general welfare of the citizens...*" is not promoted as these are scheduled to be Type 1 with no opportunity for the citizens to oppose a tower location and the location criteria would visually and financially harm the homeowner or landowner.
 2. "...*to provide and aesthetically pleasing environment...*" cannot be supported if a 250' tower is allowed a setback of only 1.5X of the fall zone area.
 3. "...*by avoiding a proliferation of visually obstructive facilities....*" If we use the chart in Table 5, this is exactly what we would be allowing by this code.
- In this subsection, retain the deleted items #2 and #3 that have been struck through. Citizens need to be protected from potential visual and aesthetic adverse impacts of the towers through proper siting and design.

Section 5802. Applicability

"It is the intent of this ordinance to further...communication needs...while respecting the visual and physical environment. "The proposed ordinance will destroy any view the adjacent homeowner may deem important to their wellbeing. If a tower's fall area is, say, 100', a 250' tower using the proposed criteria, could locate 150' from someone's

house and even less to their property line. This would certainly ensure a loss of value if the homeowner intended to subdivide in the future, not to mention huge visual blight.

Subsection 5803. Exemptions.

"If an antenna, tower,...meets..following requirements...shall be...Type 1 Review ..."

E. Co-location.

2. Co-location can increase the ground space area or compound by 50% or 400 sq. ft. without public input. This would even further reduce the setback to an adjacent property. This is an infringement of the adjacent property owner's rights.

Subsection 5804. Alternate Tower Structures.

D. Use by Right. *"...in all land categories except Rural Residential."* I don't think AG 2 (1:5 acres) is really a good idea and should not be included. I personally prefer all towers to be Type II Review

E. Type of Review. Is it really OK for an Alt. tower to be approved administratively in house without the option for adjacent landowner's input to an industrial use next to or nearby?

Subsection 58056. Location of antenna, towers or structures..

Verify that Type II administrative review means public notice and hearings before the Planning Commission and County Commission allowing for public comment. This seems to conflict with the statement "use-by-right".

A. Minimum Separation Requirements....

TABLE 5.1....

These distances are potentially very close together. We need to prevent this type of allowable density especially if the intent is to be a use by right. These figures allow towers every ½ mile or as close as every 100 feet. If this happened, it would be a great Long-term health care study on the impacts of high density cell tower on the Gadsden County population. This completely conflicts with the stated purpose of *"...avoiding a proliferation of visually obtrusive facilities..."*

B Setbacks from property lines. Redo this whole section. It affords no protection to residences or landowners.

1. *"The setback for an alternate tower...equal to the fall zone..."* puts the 175' tower as close to the house as the fall zone (?75-100') which is less than the tower height. How safe and comforting is that? I suggest 1.5X tower height away from property line at a minimum.
2. *"The setback for any other ...tower...shall be at least one and a half (1.5) times the fall zone area..."* This would allow a 250' tower to be 375' from a house or much less if the fall zone is predicted to be less than the tower height. This is much too close. Refer to original ordinance wording for homeowner protections.
3. Do not delete this...*"Tower's that are lit at night with red lights shall be at least 7x's the height of the tower....."* Keep these protections for the adjacent residences.
4. Do not delete this. *"Tower's shall not be lit at night with white lights."* This is the worst case scenario and must never happen.

C. Protection of visual corridors.

"...shall not be located within 200 feet of I-10....SR12." What if the tower is 250' tall and for some reason topples over? 250' should be the minimum or retain original 3X. Also, County Roads are not mentioned and should be safely covered as well.

E. Measurement of setbacks. *"The setback measurement...from the leading edge of the property line to the centerline of thetower...."* This allows the communication structure at the base to shorten the distance to the nearest residential structure. This should be based on the tower property edge to adjacent property edge and not the tower centerline or the nearest residential structure.

Subsection 58097. Design Standards.

A. AG1 height restriction was deleted. I suggest we don't allow towers in AG1 at all.

B. Illumination. Do not discard the struck thru lines. Surrounding homeowners need these protections from white, flashing, strobe, red infiltrating lights or our quality of life and welfare will be compromised. Verify that FAA and other agencies do not and will not require white lights at night or flashing red lights at night. Gadsden County can always choose to be more stringent than the State or other regulators especially regarding the visual impacts of these towers.

Subsection 58108. Procedures for Application Approval.

"All communication antennas,subject to Type I Review procedures..." This is not correct as it would allow use by right and this should be Type II and it also conflicts with Subsection 58056, which states this will be a Type II Administrative Review.

Subsection 5809. Variants...

A. Variance Requests.

Verify that public notices and hearings will occur before the Planning Commission in addition to the Board of County Commissioners.

Of course, inconsistencies, opinion language and reorganization should be addressed and that ordinance draft could be resubmitted to this Board as future business.

Therefore,

I contend that the proposed revisions are not consistent with the Comprehensive Plan as the citizens will not be protected from visual and financial impacts from these towers if located using these criteria. I recommend that you do not adopt the proposed amendments to Land Development Code Section 5800 and Section 2100, as presented.

Thank you for addressing my concerns. Marion Lasley