

List of Potential Nonconforming Towers

212 Southwest 3rd Avenue

2223 Hawthorne Road

1801 Northeast 10th Avenue

414 Southwest 3rd Avenue

2700 Northeast 11th Place

North Florida Regional Hospital - Newberry Road

FCC Tower in the Vicinity of Northwest 16th Avenue near 34th Street

City Plan Board Recommendation
Petition 213TCH-98 PB, Legislative Matter No. 980732
November 19, 1998

Sec. 30-98. Transmitter towers; retransmission and microwave transmission towers, antennas.

- (a) *Dimensional requirements.*
- (5) *Existing Transmitter towers.*
 - a. An existing transmitter tower that does not conform to the minimum distance requirements in subsection (a)(1), may be replaced by a tower of the same type and height without coming into compliance with those minimum distance requirements. All other applicable requirements of this section shall apply to the replacement tower.
 - b. Modification or reconstruction of any existing transmitter tower to accommodate the co-location of one or more additional users shall be permitted. The modification or reconstruction shall not ~~change the location,~~ increase the height or change the type of tower except that any type of tower may be reconstructed as a monopole. An existing transmitter tower which is being rebuilt to accommodate the co-location of two (2) or more additional users may be moved within the development site. However, the replacement tower shall be located as close as possible to the original location of the existing transmitter tower and in no instance shall either the rebuilt or the replacement tower be constructed at a distance greater than fifty (50) feet from the original location of the existing transmitter tower. The base of the transmitter tower cannot be closer than twenty-five (25) feet to property designated for residential use on the future land use map of the comprehensive plan. Distance shall be measured from the base of the tower.
 - c. No existing transmitter tower location shall be made nonconforming with the minimum distance requirements of subsection (a)(1) due to the rebuilding or replacement of the existing transmitter tower. An existing transmitter tower that does not conform to the minimum distance requirements of subsection (a)(1) shall not be moved within the development site to a position closer to existing adjacent residential land as designated on the future land use map of the comprehensive plan.
 - d. In all cases the existing transmitter tower shall be dismantled within thirty (30) days of completion of the replacement tower.

CITY
-----OF----- INTER-OFFICE COMMUNICATION
GAINESVILLE

Item No. 13

TO: City Plan Board **DATE:** 11/19/98

FROM: Planning Division Staff

SUBJECT: Petition 213TCH-98 PB, Pinnacle Towers, Inc. Amend the City of Gainesville Land Development Code to allow reconstruction of existing transmitter towers for additional antennas to be moved up to fifty feet from the existing location.

Recommendation

Planning Division staff recommends approval of Petition 213TCH-98 PB, as proposed by staff.

Explanation

The increased demand for wireless technology presents opportunities and challenges concerning the siting of antennas and telecommunications towers. With the passage of the Telecommunications Act of 1996, it became clear that the development of local telecommunications infrastructure would become a high priority for local governments around the country. Growth in the personal wireless services market, including cellular telephones, personal communications systems and paging services, has caused a substantial increase in the demand for new facilities to site antennas. The construction of transmitting and receiving antennas is necessary for the effective operation of wireless services. These antennas are usually placed on towers.

The most obvious forms of market-based wireless communication include cellular mobile telephone service and the newest form of wireless technology known as personal communications services (PCS). PCS offers services that include mobile phones, pagers and voice mail. In the future, PCS service may include computer networking and wireless Internet access. Because the PCS network is digital, it sends stronger signals and has lower power requirements, better indoor reception, fewer dropped calls, and greater privacy capabilities through the use of encryption, than does traditional cellular services. Since this technology operates at a higher frequency, PCS antennas need to be placed closer together to provide seamless coverage. As a result PCS providers will

require more sites than traditional cellular providers. The radius of PCS cells can range from one-half mile to two miles in urban areas and three to five miles in rural areas.

PCS and cellular antenna facilities can be co-located on existing transmitter towers, or installed on water tanks, upon roofs and street lights. However, new towers may have to be built if structures or buildings do not have the capacity or height to accommodate the equipment. The petitioners believe that existing communication towers, including nonconforming towers, should be fully utilized for the installation of wireless communication antennas. Many of these sites have been in existence for years and are generally accepted as part of the urban landscape. By allowing applicants the opportunity to rebuild existing towers at the same height as the original tower for the purpose of accommodating more antenna mounts, the need for additional transmitter towers in the area is diminished. However, in the process of rebuilding an existing tower, the users of the existing tower cannot be reasonably expected to interrupt their telecommunications services. The new tower must therefore be rebuilt in a manner that allows the existing tower to continue to operate. Also, the foundation of a typical transmitter tower varies in depth from thirty (30) to fifty (50) feet and is impractical to remove. As a result, the foundation of the new tower cannot occupy the exact location as the pre-existing tower.

Staff agrees with the general thrust of the petition but does not support the following portion of the applicant's request:

(3) The modification or reconstruction of an existing transmitter tower to accommodate the co-location of one or more additional users shall be exempt from all other applicable requirements of this section.

Some of these other requirements are related to public safety, such as the provision for fencing around the base of the tower or prohibiting encroachment into an aircraft approach plane. It must be noted that many of the existing towers may be nonconforming based on current codes. Staff's main concern with nonconforming towers is the impact of moving a tower up to fifty (50) feet closer to adjacent properties. The purpose of the City's tower ordinance is to allow nonconforming towers to be replaced in a manner that would not shift or increase the impact of the nonconforming tower on abutting property owners. Local governments bear primary responsibility for protecting public safety. Staff feels that it is in the best interest of the City to limit both the impact of towers on adjacent property and the number of transmitter towers, yet recognizes that wireless services will be in greater demand in the future. The City is supportive of co-location, and this petition gives the City an opportunity to

modify the Code in order to make co-location efforts easier. Staff recommends that Section 30-98 be amended to allow a tower to move a certain distance under certain circumstances.

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- d. In all cases the existing transmitter tower shall be dismantled within thirty (30) days of completion of the replacement tower.

Respectfully submitted,

Handwritten signature of Ralph Hilliard in cursive script.

Ralph Hilliard
Planning Manager

RH:JS

13. **Petition 213TCH-98 PB** Pinnacle Towers, Inc. Amend the City of Gainesville Land Development Code to allow reconstruction of existing transmitter towers for additional antennas to be moved up to fifty feet from the existing location.

Mr. Jason Simmons was recognized. Mr. Simmons cited the growing necessity for transmitter towers and the need for those towers to be fully utilized to reduce their numbers. He indicated that the petition would allow towers to be replaced without an interruption of service. He explained that when a new tower was constructed, the existing tower would be able to operate until the service was transferred. Mr. Simmons indicated that the petition would allow the new tower to be in a slightly different location to achieve that purpose. He noted that the replacement tower would be located as close as possible to the tower to be replaced and, in any case, would be no more than 50 feet from the existing tower. Mr. Simmons explained, however, that staff did have concerns about non-conforming towers and the impact of moving a tower up to 50 feet closer to adjacent properties. He reviewed the language proposed regarding the possible impact of moving a tower 50 feet. He pointed out a paragraph where the word "adjacent" or "contiguous" should be added. Mr. Simmons indicated that staff recommended approval of the petition.

Chair Barrow asked about the minimum distance for a tower placed near residential areas.

Mr. Simmons indicated that there was no specific distance, however, there were setback requirements for transmitter towers which were based upon the height of the tower.

Mr. Polshek noted that new technology might make the towers unnecessary at some time. He asked if there was language that required that the towers be removed once they were no longer in use.

Ms. Dowling suggested that there was language in the Code that required towers to be removed if they were not in use.

Mr. Simmons stated that he was unaware of such language. He noted that the language of Petition 213TCH-98 PB required that if a new tower were constructed on a site, the old tower would be removed in 30 days.

There was discussion of removal of the towers.

Mr. Hilliard indicated that Mr. Simmons was working on several different changes to the Code regarding towers.

Chair Barrow requested that staff address the issue of the removal of towers.

Mr. Guy cited concerns that the text change would eliminate distance requirements for towers and they would be built on smaller lots.

Mr. Simmons indicated that there was language in the text that would prohibit making towers non-conforming to the distance requirements.

Mr. McGill noted that an existing non-conforming tower could be moved.

Mr. Gerald MulDowney, agent for the petitioner, was recognized. Mr. MulDowney explained how towers would be replaced. He indicated that he believed the text change would cut down on the need for towers.

There was discussion of the height of the towers.

There was no public comment on the petition.

<u>Motion By:</u> Mr. Polshek	<u>Seconded By:</u> Mr. McGill
<u>Moved to:</u> Approve Petition 213TCH-98 PB with additional text recommended by staff.	<u>Upon Vote:</u> Motion Carried 6-0 Yeas: Guy, McGill, Barrow, Carter, Dowling, Polshek