

provide a buffer equal to that of an industrial use in accordance with Article VIII, except that in cases where the adjacent use is also industrial and a buffer is not required, adjacent use Buffer D will be provided.

- (3 e) *Equipment storage.* No equipment, mobile or immobile, not used in direct support of the transmission or relay facility, shall be stored or parked on the site unless repairs to the facility are being made.
- (4 d) *Aircraft hazard.* All towers shall comply with the airport hazard zoning regulations in Appendix F.
- (5) *Development plan approval.* Development plan approval will be in accordance with the review procedures in Article VII, Division 1 of this chapter, as well as the provisions for neighborhood workshops in section 30-350, Citizen participation and with the requirements as listed below in subsection 30-98(m)(6)-(10) and (13)-(15), Submittal requirements.
- (k 5) *Existing communication transmitter towers.*
- (1 a.) An existing communication ~~transmitter~~ tower that does not conform to the minimum distance requirements in subsections ~~(a)(1)~~ (d)(2), (e)(2) or (j)(1) a., 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.
- (2 b.) Modification or reconstruction of any existing communication ~~transmitter~~ tower to accommodate the co-location of one or more additional users shall be permitted. The modification or reconstruction shall not increase the height or change the type of tower, except that any type of tower may be reconstructed as a monopole or camouflaged tower. An existing wireless communication facility and broadcast tower that is being modified or replaced to accommodate the co-location of two or more additional users may be moved within the development site. However, the modified or replacement tower shall be located as close as possible to the existing tower and in no instance shall either the modified or replacement tower be constructed at a distance greater than 50 feet from the existing tower. The base of the communication tower cannot be closer than 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.
- (3 e.) No existing communication ~~transmitter~~ tower location shall be made nonconforming with the minimum distance requirements of subsections ~~(a)(1)~~ (d)(2), (e)(2) or (j)(1) a., due to the modification or replacement of the existing tower. An existing tower that does not conform to the minimum distance requirements of subsections ~~(a)(1)~~ (d)(2), (e)(2) or (j)(1) a., 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.

- (4 d.) In all cases the existing tower shall be removed within 30 days of completion of the replacement tower.
- (5 e.) The replacement tower must comply with the airport hazard zoning regulations of the city.

(1 h) *Unused or abandoned towers.* A wireless communications tower shall be considered to be abandoned when it is not used for transmission or retransmission for nine continuous months. Upon determination that a tower has been abandoned, the City Manager or designee shall provide written notice of the determination, by certified mail, to the owner of the tower. Upon receipt of the written notice of abandonment, the owner shall have 90 days to: ~~Any transmitter tower that does not comply with any regulation or ordinance of the City of Gainesville and that is not used for transmission or retransmission for nine continuous months shall be considered to have lost its legal nonconforming status and must comply with section 30-346(d)(5) of this chapter concerning nonconforming uses.~~

- (1) Reactivate the use of the tower;
- (2) Transfer the tower to another owner who makes actual use of the facility;
or
- (3) Remove the tower and all associated equipment. If the tower is not removed within 90 days of the receipt of notice of abandonment, the city may dismantle and remove the tower and recover the costs from the owner or by accessing the bond set forth in subsection 30-98(m)(13), Submittal requirements.

(m) *Submittal requirements.* In addition to the requirements of Article VII, Division 1, an application for a wireless communication tower facility shall contain the following information:

- (1) The identity of the owner(s) of the proposed facility, as well as the identity of the wireless communication service provider(s) who have committed to locating on the proposed facility.
- (2) The distance between the proposed tower and the nearest residentially zoned lands.
- (3) A map showing all of the existing wireless communication towers within a minimum 2 mile radius of the proposed facility, including those that are currently in the permitting process, and all of the structures greater than 80 feet in height that could reasonably support a wireless communication antenna and are located within the search area of the proposed facility. Additionally, this map shall show all locations of the nearest adjacent

existing, pending and planned sites of the service provider, possibly requiring the map to display distances greater than 2 miles from the proposed site.

- (4) Written documentation that the applicant made diligent, but unsuccessful efforts to install or co-locate the applicant's telecommunications facilities on towers or other support structures owned by the applicant or other persons located within the applicant's search area.
- (5) Written documentation that the applicant made diligent, but unsuccessful efforts to install or co-locate the applicant's telecommunications facilities on towers or other support structures on city-owned towers or support structures located within the applicant's search area.
- (6) Details of all proposed antennas and mounting equipment, including size and color.
- (7) A design drawing including a cross-section and elevation of the proposed tower.
- (8) A description of the capacity of the facility including the number and type of antennas that can be accommodated as well as the proposed location of all mounting positions for co-located antennas and the minimum separation distances between antennas.
- (9) A certified statement from a licensed professional engineer attesting to the structural integrity of the proposed facility and its ability to accommodate additional antennas.
- (10) Color photo simulations showing the proposed site of the tower with a photo-realistic representation of the proposed facility, as it would appear viewed from the closest residential property or properties and adjacent roadways.
- (11) A propagation map depicting both the extent of the communication service provider's existing coverage within the subject area and the service area of the proposed tower.
- (12) A wireless communication plan that includes:
 - a. All of the provider's existing wireless communication facilities within the urbanized area by size, type, and their coverage areas.
 - b. All presently anticipated future service areas within the urbanized area, anticipated deployment date, and types of wireless

communication facilities and heights desired for each of the service areas.

c. The various types of wireless communication facilities used by the provider to furnish service and when they are used. This includes drawings providing the sizes and shapes of the antenna and equipment as well as written materials describing their application.

(13) A bond or irrevocable letter of credit in an amount determined by the city manager or designee to ensure that should the tower be abandoned pursuant to subsection 30-98(l), removal of the tower will be guaranteed.

(14) FCC license and registration numbers.

(15) In addition to the requirements listed above, review of a special use permit will require a technical showing that includes an uplink and downlink power budget for the applicant's proposed facilities shall be required. In addition, supply the following data (a computer printout is sufficient) concerning the proposed facilities and each existing or planned adjacent site, if any. The data shall include the site name or other reference, NAD83 Latitude and Longitude, frequency band, site elevation above mean sea level (amsl), radiation center height above ground level (agl), of each sector antenna along with its manufacturer, model number, maximum effective radiated output power and main lobe azimuth and beam tilt factors. Note that all microwave and other radio facilities, if any, must be included.

(16) Any additional information that is necessary for the city to complete the review of the application.

(n f) *Antennas.* For the purposes of this subsection ~~and subsection (g)~~, antenna shall mean any exterior apparatus designed for television communications through the reception of electromagnetic waves. The following antennas used to receive video programming signals are allowed in all zoning districts and are exempt from the provisions of this section except as noted herein:

(1) Residential antenna satellite dishes that are one meter (39 inches) or less in diameter and are designed to receive direct broadcast satellite (DBS) service, including direct-to-home satellite service.

(2) Antennas that are one meter (39 inches) or less in diameter or diagonal measurement and are designed to receive video programming services via multichannel multipoint distribution service (MMDS or wireless cable). These antennas may be mounted on masts to reach the height needed to establish line-of-sight contact with the transmitter. Antennas mounted on

masts higher than 20 feet are considered communication towers and are subject to the provisions of subsection 30-98(h) (a)-(e).

(3) Antennas that are designed to receive over-the-air television broadcast signals and that are mounted on masts higher than 20 feet are considered communication towers and are subject to the provisions of subsection 30-98(h) (a)-(e).

(4 g) *General conditions for antennas.*

a. There are no minimum setback requirements for antennas described in subsections 30-98(f n)(1)-(3). In order to protect pedestrians and vehicle operators from possible conflict with structures in the right-of-way, no part of an antenna or its support structure may extend over public sidewalk or right-of-way at a height of less than nine feet.

b. Antennas described in subsections 30-98(f n)(1)-(3), must be placed in a location not visible from the street unless an acceptable signal cannot be obtained from that location. If an antenna must be placed where it is visible from the street, it must be placed wholly on the subject property and must comply with the provisions of section 30-341, (vision triangle). This is a safety-based restriction necessary to provide unobstructed sight distance in both directions on all approaches to an intersection, so that the vehicle operator is afforded an opportunity to avoid collisions.

c. A certificate of appropriateness is required for the placement of antennas described in subsections 30-98(f n)(1)-(3), in those districts or on individual properties that are listed on both the local and national register of historic places and for those districts or individual properties listed on the local register of historic places for which the federal communications commission has granted permission for the city to regulate antenna placement.

(o) *Environmental regulations.* All wireless communications facilities shall comply with all applicable environmental regulations.

(p) *Separation.* No monopole wireless tower shall be permitted to be constructed within 1,320 feet of another tower. The distances shall be measured by drawing or following a straight line between the base of an existing tower and the base of the proposed tower.

(q e) *RF radiation.* Wireless communication facilities shall comply with the current Federal Communications Commission (FCC) standard with respect to human exposure to radio frequency electromagnetic fields. The tower owner shall be prepared to demonstrate the percentage of compliance with the appropriate standard upon written request by the city manager or his/her designee. Radio facilities shall not exceed "Radio Frequency Protection Guides" in American National Standards Institute "Safety Levels with

City Plan Board
170TCH-03PB
February 19, 2004

~~Respect to Human Exposure to Radio Frequency Electromagnetic Fields, 300k to 100GHz" (ANSI C95.1-1992). The tower owner shall be prepared to demonstrate the percentage of compliance with ANSI standard C95.1-1992 upon written request by the city manager or his/her designee.~~

(r) *Signs and illumination.* No signage or advertising shall be permitted on any wireless communications facility, except that each tower facility shall have an identification sign of no more than 6 square feet, identifying the service providers, the dates of permit approval, and the FCC registration and site identification numbers. The maximum height of the sign shall be no more than 6 feet, as measured from the base of the tower. No signals, lights or illumination shall be permitted on any wireless communication facility unless required by the Federal Aviation Administration or as an integral part of the design of a camouflaged facility.

(s) *Technical consultants.* The city shall have the right to hire independent technical consultants and experts that it deems necessary to properly evaluate applications for individual commercial wireless telecommunication facilities. The applicant shall be responsible for paying the costs of such consultation, the costs of which shall be based upon a reasonable hourly rate. Payment is due upon receipt of the billing invoice and proof of payment shall be required prior to the consideration of the application by the appropriate reviewing body of the city. The applicant shall also be responsible for paying the costs of such consultation that may occur at the time of consideration of the application by the appropriate reviewing body. No final development order for the project under review shall be issued by the city until payment in full has been received by the city for technical consultation costs incurred during review of the application by the appropriate reviewing body.

(t) *New technology.* If at any time after the adoption date of this ordinance the city finds that the technologies pertaining to communication towers and stealth facilities have changed such that wireless communications can be readily provided with structures that are significantly less intrusive to surrounding land uses than previous technologies, the city manager or designee has the option to make the new technologies permitted uses with the appropriate level of development review.