

# MEMORANDUM

## Office of the City Attorney

Phone: 334-5011/Fax 334-2229

Box 46

TO: Mayor and City Commission

DATE: August 8, 2005  
FIRST READING

FROM: City Attorney

SUBJECT: Ordinance No. 0-04-93; Petition No. 170TCH-04 PB

An ordinance of the City of Gainesville, Florida; amending section 30-98, City of Gainesville Land Development Code, relating to wireless communications facilities and antenna regulations; extensively updating the regulations for compliance with the Telecommunications Act of 1996 and state law; adding definitions; adding provisions for collocation and the modification of existing wireless communications facilities for consistency with state law; adding provisions for construction of new camouflaged towers and monopole towers; adding provisions for wireless communication facilities in historic districts; providing for unused or abandoned towers; describing the land development or zoning related submittal requirements for new wireless communications facilities; providing for applicability of these provisions to applications filed on or after July 1, 2005; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

---

Recommendation: The City Commission adopt the proposed ordinance.

This petition is part of the overall update of the City's Land Development Regulations. Specifically, the proposed amendments are to Section 30-98 of the Land Development Code, regarding transmitter towers, retransmission and microwave transmission towers, and antennas. Initially, extensive changes to this section were proposed to update the regulations for compliance with the Telecommunications Act of 1996; however, subsequent to this past Legislative session, further amendments are necessary for compliance with recent changes to state law as more specifically described herein.

Petition 170TCH-03 PB: Petition 170TCH-03 PB, regarding wireless facilities, was heard by the City Commission March 2004 and again in June 2004. At the March 2004 meeting, the Commission recommended approval; however, the Commission directed staff to work with the industry on outstanding issues. At the June 2004 petition hearing, the Commission approved the petition, but requested staff to further investigate what other communities do to encourage replacement of older towers; asked staff to review setbacks (claimed by the industry as excessive); and asked staff to investigate opportunities for camouflaged towers on public assembly-type buildings, even those located in residential areas.

With regard to the June 2004 Commission comments and concerns, Planning staff reports that the current Code contains replacement provisions in Sec. 30-98(5). This section remains in the pending ordinance and allows replacement of existing towers, even if the existing tower does not

meet the minimum distance requirements, and allows the replacement of existing towers to allow for the collocation of one or more additional users. The height of the tower cannot be increased and the type of tower cannot be changed except that any type of tower may be replaced by a monopole.

On the issue of camouflage opportunities on public assembly-type structures, staff reports the tower placement in single-family residential areas has not changed. Reportedly, many public assembly facilities are in PS, ED or CON zones that would allow camouflaged facilities and are reportedly intertwined throughout the community.

Following staff's review of the June 2004 industry concerns, the Office of the City Attorney received the petition in early September 2004 for preparation of an ordinance. At that time, the City Attorney's office recommended changes in an attempt to reaffirm the state's collocation goals and requirements. As well other conforming and technical changes were made to the draft ordinance prior to soliciting comment from attorneys representing the industry. Two issues raised at that time by the attorneys for the industry were the setback requirements and the prohibition of new wireless structures in single-family residential areas. Due to pending Legislative activity, on April 11, 2005 the Commission agreed to place the proposed Ordinance (i.e., petition) on a temporary hold pending the conclusion of the 2005 Legislative session.

---

2005 Legislative Activity: In early January 2005, a new wireless bill was filed in both the Florida House and Florida Senate (HB305 and SB602) that would significantly preempt local regulation in the area of wireless tower regulation. Eventually, it was the Committee Substitute for Committee Substitute for SB 620 (CS/CS/SB 620) that passed both chambers and was approved by the Governor on June 10, 2005 (see ch. 2005-171, Laws of Florida).

In relevant part ch. 2005-171, Laws of Florida, will:

- Redefine some terms, which were also contained in the proposed draft ordinance.
- Change provisions for collocation by clarifying those provisions and dividing them into three types (collocation on existing towers, collocation on existing structures and other collocations).
- Amend local governmental review requirements for evaluation of wireless facilities.
- Provide that locally established setback and distance separation may not exceed the distance needed for structural safety or relevant aesthetic concerns.
- Allow a local government to ban wireless facilities in a residential area only if the provider can serve that residential area.

Chapter 2005-171, Laws of Florida, was approved by the Governor on June 10, 2005 and will take effect July 1, 2005.

Comparison as between the 2004 petition and the proposed ordinance: In summary, the State has now preempted the realm of wireless tower siting in many areas. For example, collocation, as described above, and the replacement of a tower (with no height increase) appear to be completely preempted by state law. With the placement of a new tower, local zoning and local land development regulations are recognized in the law but only to the extent necessary to allow local governmental entities to consider their local land development concerns (such as aesthetics, landscaping, land used based location priorities, structural design and setbacks). Because of the state preemption, in many cases the current draft defers to state law. This is done so that future legislative changes to these preempted areas of law will not require the City to engage in the sometimes cumbersome and time-consuming Land Development Code amendment process.

The two issues raised by the industry last summer were the issue of the placement of the facility in a residential zoning district and the setback requirements. With regard to local government's exclusion of the placement of a wireless facility in a residential zoning district, this may occur under ch. 2005-171, Laws of Florida, but only in a manner that does not constitute an effective or actual prohibition on the provider's service in that residential zoning district. The proposed ordinance is drafted to incorporate and accommodate this state-imposed standard.


The setback requirements stated in the ordinance, which were recommended by staff and approved by the Plan Board, are a remaining issue for the wireless industry. With regard to setback or distance separation, the law maintains local governmental authority in establishing and providing for a setback; however, that setback may not exceed the minimum distance necessary to satisfy structural safety and aesthetic concerns. Previously, the City staff and Plan Board made findings that the setbacks proposed in this ordinance are proposed and will exist for these very reasons and the language stating the standard is included in the proposed ordinance.

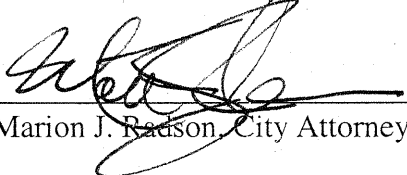
Other conforming changes are made in this ordinance for consistency with State law.

#### CITY ATTORNEY MEMORANDUM

This ordinance requires two public hearings. The first reading is scheduled to occur on August 8, 2005 and, if approved on first reading, the second and final reading is scheduled for August 22, 2005.

Fiscal Note. None

Prepared by:   
Dana L. Crosby, Assistant City Attorney

Approved and Submitted by:   
Marion J. Radson, City Attorney

xc (with attachment): City Plan Board

ORDINANCE NO. \_\_\_\_\_  
0-04-93

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

An ordinance of the City of Gainesville, Florida; amending section 30-98, City of Gainesville Land Development Code, relating to wireless communications facilities and antenna regulations; extensively updating the regulations for compliance with the Telecommunications Act of 1996 and state law; adding definitions; adding provisions for collocation and the modification of existing wireless communications facilities for consistency with state law; adding provisions for construction of new camouflaged towers and monopole towers; adding provisions for wireless communication facilities in historic districts; providing for unused or abandoned towers; describing the land development or zoning related submittal requirements for new wireless communications facilities; providing for applicability of these provisions to applications filed on or after July 1, 2005; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

WHEREAS, the City Plan Board authorized the publication of notice of a Public Hearing that the text of the Land Development Code of the City of Gainesville, Florida, be amended; and

WHEREAS, notice was given and publication made as required by law and a Public Hearing was then held by the City Plan Board on February 19, 2004; and

WHEREAS, notice was given and publication made of Public Hearings which were then held by the City Commission on March 15, 2004 and June 28, 2004; and

WHEREAS, at least 10 days notice has been given once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of a Public Hearing in the City Commission Auditorium, City Hall, City of Gainesville; and

WHEREAS, the Public Hearings were held pursuant to the published notice described at which hearing the parties in interest and all others had an opportunity to be and were, in fact, heard;

1 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE  
2 CITY OF GAINESVILLE, FLORIDA:

3 Section 1. Section 30-98, Land Development Code, City of Gainesville, is amended to  
4 read as follows:

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

6 ~~(a) — Dimensional requirements.~~

7 ~~(1) — Tower location. Transmitter towers and retransmission and microwave transmission towers shall be~~  
8 ~~located on the site so as to provide a minimum distance equal to one third the height of the tower from all~~  
9 ~~property lines. No accessory tower may be located between the street and the front of any principal~~  
10 ~~building, except in the W, I 1, I 2, CON and AGR districts. Accessory towers adjacent to any residential~~  
11 ~~district shall be screened along any common property line by trees and shrubs as required in subsection~~  
12 ~~(a)(4)e of this section.~~

13 ~~(2) — Anchor location. All tower supports and peripheral anchors shall be located entirely within the~~  
14 ~~boundaries of the property.~~

15 ~~(3) — Height and angle of light. The height and angle of light obstruction of particular zoning districts~~  
16 ~~shall not apply to transmitter towers.~~

17 ~~(4) — Residential districts. All transmitter towers in residential districts as listed in Article IV of this~~  
18 ~~chapter must meet the following requirements:~~

19 ~~a. — Height. No tower shall rise more than 80 feet from the ground level at the exact site on which it is~~  
20 ~~erected except as otherwise provided for in paragraph g. below.~~

21 ~~b. — Location. Towers are only allowed in rear yards. Only one tower is allowed per lot.~~

22 ~~c. — Guy anchors. Guy anchors shall meet the setback requirements of the respective residential district~~  
23 ~~and are allowed in side and rear yards only.~~

24 ~~d. — Construction standards. Towers must meet manufacturer's specifications and plans must be certified~~  
25 ~~by an engineer licensed in the State of Florida. Towers must meet the requirements of the Standard~~  
26 ~~Building Code, as may be amended from time to time, relating to wind loads, and must be engineered or~~  
27 ~~guyed so that in the event a tower falls it will collapse only within the property lines on which it is~~  
28 ~~located. All towers must meet the standards contained in American National Standards Institute "Steel~~  
29 ~~Antenna Towers and Steel Supporting Structures" (ANSI EIA/TIA 222 E 1991).~~

30 ~~e. — Fencing and buffering. A chain link fence or solid wood or masonry wall at least eight feet in height~~  
31 ~~shall be constructed and maintained around the perimeter of the rear yard or the base of the tower. Climb-~~  
32 ~~proof shields can be substituted for a fence or wall around the tower. A combination of hedges (firs or~~  
33 ~~other fast growing plants) and/or evergreen trees, at least four feet in height when planted, shall be~~  
34 ~~planted and maintained around the perimeter of the rear yard or in a continuous line around the tower and~~  
35 ~~spaced close together to provide a continuous visual screen. Shrubs shall also be planted and maintained~~  
36 ~~around the guy anchors for visual screening purposes.~~

1 f. ~~Design/landscape plan.~~ A design/landscape plan is required for all proposed tower sites, showing  
2 the proposed location of the tower, guy anchors and any existing or proposed landscaping as required by  
3 this section.

4 g. ~~Special use permit for excess height.~~ Towers may be constructed in excess of the 80 foot height  
5 limitation provided a special use permit is issued. In addition to the requirements of Article VII, Division  
6 4, special use permit considerations shall also include the following:

7 1. ~~The effects of topography, terrain and height of surrounding tree canopy on broadcasting ability.~~

8 2. ~~The construction and design of towers with regard to safety regulations including a consideration of~~  
9 ~~the distance from the airport and whether the proposed tower would interfere with any flight paths.~~

10 3. ~~The visual impact on surrounding properties and existing or proposed screening and buffering.~~

11 (5) ~~Existing transmitter towers.~~

12 a. ~~An existing transmitter tower that does not conform to the minimum distance requirements in~~  
13 ~~subsection (a)(1), may be replaced by a tower of the same type and height without coming into~~  
14 ~~compliance with those minimum distance requirements. All other applicable requirements of this section~~  
15 ~~shall apply to the replacement tower.~~

16 b. ~~Modification or reconstruction of any existing transmitter tower to accommodate the co location of~~  
17 ~~one or more additional users shall be permitted. The modification or reconstruction shall not increase the~~  
18 ~~height or change the type of tower, except that any type of tower may be reconstructed as a monopole.~~  
19 ~~An existing transmitter tower that is being modified or replaced to accommodate the co location of two~~  
20 ~~or more additional users may be moved within the development site. However, the modified or~~  
21 ~~replacement tower shall be located as close as possible to the existing transmitter tower and in no~~  
22 ~~instance shall either the modified or replacement tower be constructed at a distance greater than 50 feet~~  
23 ~~from the existing transmitter tower. The base of the transmitter tower cannot be closer than 25 feet to~~  
24 ~~property designated for residential use on the future land use map of the comprehensive plan. Distance~~  
25 ~~shall be measured from the base of the tower.~~

26 c. ~~No existing transmitter tower location shall be made nonconforming with the minimum distance~~  
27 ~~requirements of subsection (a)(1) due to the modification or replacement of the existing transmitter~~  
28 ~~tower. An existing transmitter tower that does not conform to the minimum distance requirements of~~  
29 ~~subsection (a)(1) shall not be moved within the development site to a position closer to existing adjacent~~  
30 ~~residential land as designated on the future land use map of the comprehensive plan.~~

31 d. ~~In all cases the existing transmitter tower shall be removed within 30 days of completion of the~~  
32 ~~replacement tower.~~

33 e. ~~The replacement tower must comply with the airport hazard zoning regulations of the city.~~

34 (b) ~~Fencing (all nonresidential districts).~~ A chain link or solid fence or wall of not less than eight feet  
35 in height from finished grade, with locked gates, shall be provided around the base of each tower or  
36 around the yard area where the tower is located. Climb proof shields can be substituted for a fence or  
37 wall around any accessory tower.

38 (c) ~~Equipment storage.~~ No equipment, mobile or immobile, not used in direct support of the  
39 transmission or relay facility, shall be stored or parked on the site unless repairs to the facility are being  
40 made.

~~(d) — Aircraft hazard. No tower shall be permitted to encroach into or through an established airport approach plane as established by the airport zoning ordinance.~~

~~(e) — RF radiation. Radio facilities shall not exceed "Radio Frequency Protection Guides" in American National Standards Institute "Safety Levels with 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.~~

~~(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 transmitter towers and are subject to the provisions of section 30-98(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 transmitter towers and are subject to the provisions of section 30-98(a) — (e).~~

~~(g) — General conditions for antennas.~~

~~(1) — There are no minimum setback requirements for antennas described in subsections 30-98(f)(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.~~

~~(2) — Antennas described in subsections 30-98(f)(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.~~

~~(3) — A certificate of appropriateness is required for the placement of antennas described in subsections 30-98(f)(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.~~

~~(h) — Unused or abandoned towers. 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.~~

Wireless Communication Facilities and Antenna Regulations.

1 (a) Purpose. These regulations were developed to protect the health, safety and welfare of  
2 residents of the City, and to protect property values and minimize visual impact while furthering  
3 the development of enhanced telecommunications services in the City. These standards are  
4 designed to comply with the Telecommunications Act of 1996 and the requirements of chapter  
5 365, Florida Statutes. The provisions of this section are not intended to and shall not be  
6 interpreted to prohibit or have the effect of prohibiting the provision of personal wireless  
7 services. This section shall not be applied in such a manner as to unreasonably discriminate  
8 between providers of functionally equivalent services, consistent with federal regulations. These  
9 regulations are intended to:

- 10 (1) Provide uniform standards for the provision of both radio and television broadcast  
11 signals and telecommunication services, including two-way radio, paging,  
12 personal communication services (PCS), cellular and related wireless services;
- 13 (2) Protect the natural features and aesthetic character of the city by regulating the  
14 location, design and operation of wireless communication facilities, with special  
15 attention to residential neighborhoods, public parks, transportation view corridors,  
16 historic districts, historic landmarks, and environmentally sensitive lands;
- 17 (3) Minimize the adverse visual and aesthetic impacts of wireless communication  
18 facilities through innovative design, siting and landscaping standards, including  
19 incentives to promote the use of camouflaged towers, collocation of new antennas  
20 on existing communication towers and the placement of antennas on roofs, walls,  
21 existing towers and other existing structures;
- 22 (4) Accommodate the growing demand for wireless communication services,  
23 consistent with the Federal Telecommunications Act of 1996, and ensure an  
24 efficient and high-quality wireless communications network; and
- 25 (5) Expedite the review process for those new applicants choosing the least intrusive  
26 alternative of deploying wireless telecommunication services.

27 (b) Definitions. In addition to the terms defined at s. 365.172, Florida Statutes, when used in  
28 this section, the following terms shall have the following meaning:

29 Amateur radio towers. Structural facilities used to support amateur radio antennas as  
30 licensed and operated by federally licensed amateur radio station operators.

31 Antenna. Any exterior apparatus designed for sending and/or receiving intelligence without  
32 physical connection.

33 Broadcast. To transmit information without physical connections to two or more receiving  
34 devices simultaneously. Information can be transmitted over local television or radio stations,  
35 satellite systems or wireless data communications networks.



1 Camouflaged facility. Any wireless communication facility that is designed to blend into the  
2 surrounding environment or that camouflages or conceals the presence of the wireless  
3 communication facility. Examples of camouflaged towers include, but are not limited to, man-  
4 made trees, clock towers, bell steeples, flag poles, light poles, and similar alternative-design  
5 mounting structures. Examples of camouflaged antennas include, but are not limited to,  
6 architecturally screened roof-mounted antennas, building-mounted antennas painted to match the  
7 existing structure, and antennas integrated into architectural elements.

8  
9 Collocation. The situation when a second or subsequent wireless provider uses an existing  
10 structure to locate a second or subsequent antennae. The term includes the ground, platform, or  
11 roof installation of equipment enclosures, cabinets, or buildings, and cables, brackets, and other  
12 equipment associated with the location and operation of the antennae.

13  
14 Communication tower. A guyed or self-supporting tower, constructed as a free standing  
15 structure or in association with a building, other permanent structure or equipment, containing  
16 one or more antennas intended for transmitting and/or receiving television, AM/FM radio,  
17 digital, microwave, cellular, telephone, or similar forms of electronic communication. References  
18 in this ordinance to "tower," unless otherwise qualified, shall mean "communication tower."

19  
20 FAA. The Federal Aviation Administration.

21  
22 FCC. The Federal Communications Commission.

23  
24 Guyed tower. A communication tower that is supported, in whole or in part, by guy wires  
25 and ground anchors.

26  
27 Height. The vertical distance measured from the base of the tower or antenna support  
28 structure at grade to the highest point of any part of the structure.

29  
30 Lattice tower. A guyed or self-supporting three or four-sided, open, steel frame structure  
31 used to support communications equipment.

32  
33 Microwave transmission tower. A structure operated for the specific purpose of transmitting  
34 microwave frequency communications not open to public correspondence, operated by and for  
35 the sole use of those licensees operating their own point-to-point radio facilities in the public  
36 safety, business, industrial, land transportation, marine or aviation service.

37  
38 Monopole tower. A communication tower consisting of a single pole, constructed without  
39 guy wires and ground anchors, used for the transmission of wireless communication.

40 Personal wireless services (PWS). Commercial mobile services, unlicensed wireless services  
41 and common carrier wireless exchange access services as defined by Federal Regulations.

42 Retransmission tower. A structure operated for the specific purpose of retransmitting the

1 signals of a radio broadcast station or another retransmission facility without significantly  
2 altering the characteristics of the incoming signal other than its frequency or amplitude.

3  
4 Service provider(s). Any individual, company, firm or other entity that provides  
5 telecommunications service over telecommunications facilities.  
6

7 Wireless communications facility. An all-encompassing definition meaning any equipment or  
8 facility used to provide personal wireless services and may include but is not limited to,  
9 antennae, towers, equipment enclosures, cabling, antenna brackets, and other such equipment.  
10 Placing a wireless communications facility on an existing structure does not cause the existing  
11 structure to become a wireless communications facility. This does not include antennas as  
12 defined in subsection 30-98(n) or other accessory personal use antennas as allowed by the City  
13 Code of Ordinances.

14 (c) Applicability and general requirements. The requirements of this section apply to all wireless  
15 communication facilities and broadcast towers. All property within the City limits shall be  
16 subject to the requirements of this section. It is the intent of the City to impose all regulations of  
17 this section to all land within the City, whether publicly or privately held, except as specifically  
18 provided herein. These regulations shall supersede all other code provisions concerning wireless  
19 communications facilities for those applications for development review that are filed on or after  
20 July 1, 2005 unless otherwise provided in law. Setback and separation distances shall be applied  
21 regardless of municipal and county jurisdictional boundaries. The design, construction and  
22 installation of wireless communications facilities shall comply with all applicable building codes.  
23

24 (d) Collocation. Collocation on any existing facility or structure shall be completed in  
25 accordance with the standards stated at s. 365.172(11), Florida Statutes, if and as applicable. All  
26 other collocations shall be reviewed in accordance with the provisions of subsection 30-98(h),  
27 and, if applicable, subsection 30-98(j).  
28

29 (e) Modification of existing towers. Pursuant to s. 365.172(11), Florida Statutes, an existing  
30 tower, including a nonconforming tower, may be structurally modified in order to permit  
31 collocation or may be replaced through no more than administrative review and building permit  
32 review and is not subject to public hearing review if the overall height of the tower is not  
33 increased and, if a replacement, the replacement tower is a monopole tower or, if the existing  
34 tower is a camouflaged tower, the replacement tower is a like-camouflaged tower.

35 1. The replacement tower is located as close as reasonably possible to the existing tower and in no  
36 instance greater than 50 feet from the existing tower.

37 2. In all cases the existing tower shall be removed within 30 days of completion of the  
38 replacement tower.

39 3. The replacement tower shall comply with the airport hazard zoning regulations of the city.

40 4. Any other existing tower modifications or replacements are considered a new tower and are  
41 subject to the provisions of this section.  
42

1 (f) *Camouflaged towers.* New camouflaged towers shall be permitted in all zoning districts  
2 except for those zones in the single-family and residential-low zoning categories (see Table A,  
3 which appears at the end of subsection 30-98) where no actual or effective prohibition of the  
4 provider’s service in that residential area or zoning district results. If a wireless provider  
5 demonstrates to the satisfaction of the City that the provider cannot reasonably provide its service  
6 to the residential area or zone from outside the residential area or zone, the City and provider  
7 shall cooperate to determine an appropriate location for a wireless communications facility of an  
8 appropriate design within the residential area or zone. The City may require that the wireless  
9 provider reimburse the reasonable costs incurred by the City in cooperating in this determination.

10  
11 (1) *Height.* The maximum height of camouflaged towers in multiple-family, office or mixed-use  
12 districts, as listed in Table A (which appears at the end of this subsection), is 80 feet. The  
13 maximum height of camouflaged towers in all other districts is 110 feet, except that in industrial  
14 districts a camouflaged tower may be a height of up to 130 feet. Camouflaged towers may be  
15 constructed in excess of the maximum heights listed above, provided a special use permit is  
16 issued in accordance with Article VII, Division 5 of this chapter.

17  
18 (2) *Setbacks.* For purposes of structural safety and aesthetics, regardless of the zoning district in  
19 which a camouflaged tower is located, the tower shall be set back a distance of at least the height  
20 of the tower from any adjoining lot line.

21  
22 (3) *Collocation.* Any camouflaged tower in excess of 110 feet in height shall be designed to  
23 support the facilities of at least 3 providers, including the facilities of the applicant. Any  
24 camouflaged tower in excess of 70 feet in height but less than 110 feet in height shall be  
25 designed to support the facilities of at least 2 providers, including the facilities of the applicant.

26  
27 (4) *Development plan approval.* Development plan approval for new uses shall be done in  
28 accordance with the review procedures stated at Article VII, Division 1 of this chapter, as  
29 applicable; the provisions for neighborhood workshops stated at section 30-350, Citizen  
30 participation; and with the requirements as listed below in subsection 30-98(m), submittal  
31 requirements. All proposed new camouflaged towers must be architecturally and/or aesthetically  
32 compatible with the surrounding community. To determine architectural and/or aesthetic  
33 compatibility with the surrounding community, a public hearing shall be held before the  
34 appropriate board on the development plan application. The base application fee for review of an  
35 application to construct a camouflaged tower shall be the same as the fee for intermediate plan  
36 review, plus the fee for the technical consultant, if necessary.

37  
38 (5) *Aircraft hazard.* All towers shall comply with the airport hazard zoning regulations in  
39 Appendix F to the Land Development Code.

40  
41 (6) *Utility building.* The equipment used to operate the facility shall be stored in:

- 42 a. An existing building on the site; or  
43 b. An equipment cabinet, shelter or an underground vault; or

c. A building constructed or installed to accommodate multiple providers and designed to be compatible with the surrounding environment, while meeting the minimum building setback requirements of the underlying zoning district.

The equipment cabinet or shelter, if used, shall be screened by a fence or wall of not less than 8 feet in height from finished grade, or by landscaping that conceals the cabinet or shelter.

(7) 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 currently being made.

(g) Monopole towers. Except as set forth herein, new monopole towers that are not accessory to Communications uses (MG-48), shall be permitted by right in I-1, I-2, and AGR zones.

(1) Height. The maximum height of a monopole wireless tower is 130 feet. Monopole towers may be constructed in excess of the maximum height, up to 200 feet, provided a special use permit is issued in accordance with Article VII, Division 5 of this chapter.

(2) Setbacks. For purposes of structural safety and aesthetics, regardless of the zoning district in which a monopole tower is located, the tower shall be set back a distance of at least 300 feet from the nearest property lines of any single-family, residential-low, multiple-family, office or mixed-use district. The tower shall be set back at least 100 percent of the height of the tower from any adjoining lot line. Monopole towers may be constructed within 300 feet of the nearest property lines of any single-family, residential-low, multiple-family, office or mixed-use district, provided a special use permit is issued in accordance with Article VII, Division 5 of this chapter.

(3) Collocation. Collocation is encouraged; therefore, monopole towers shall be designed to accommodate collocation for multiple wireless communication service providers in accordance with the following minimum requirements stated at Table 1:

**Table 1: Collocation Requirements**

<b><u>Monopole Tower Height</u></b>	<b><u>Total Number of Providers</u></b>
<u>Less than 110 feet</u>	<u>3</u>
<u>111 feet to 130 feet</u>	<u>4</u>
<u>131 feet to 170 feet</u>	<u>5</u>
<u>171 feet to 200 feet</u>	<u>6</u>

(4) Fencing and buffering (all nonresidential districts). A metal or solid fence or wall of not less than 6 feet in height from finished grade, with locked gates, shall be provided around the base of each tower or around the yard area where the tower is located. Climb-proof shields can be substituted for a fence or wall around any

1 tower. A monopole tower shall provide a buffer equal to that of commercial use  
2 in accordance with Article VIII, except that in cases where the adjacent use is also  
3 commercial and a buffer is not required, adjacent use Buffer C shall be provided  
4 (see section 30-253, chart A). Exceptions to the buffer strip requirement shall be  
5 in accordance with subsection 30-253(5)b.

6  
7 (5) Utility Building. The equipment used to operate the facility shall be stored in:

- 8 a. An existing building on the site; or
- 9 b. An equipment cabinet, shelter or an underground vault; or
- 10 c. A building constructed or installed to accommodate multiple providers and  
11 designed to be compatible with the surrounding environment, while  
12 meeting the minimum building setback requirements of the underlying  
13 zoning district.

14  
15 The equipment cabinet or shelter, if used, shall be screened by a fence or wall of  
16 not less than 8 feet in height from finished grade, or by landscaping that conceals  
17 the cabinet or shelter.

18  
19 (6) Equipment storage. No equipment, mobile or immobile, not used in direct support  
20 of the transmission or relay facility, shall be stored or parked on the site unless  
21 repairs to the facility are currently being made.

22  
23 (7) Aircraft hazard. All towers shall comply with the airport hazard zoning  
24 regulations in Appendix F to the Land Development Code.

25  
26 (8) Development plan approval. Development plan approval for new uses shall be  
27 done in accordance with the review procedures stated at Article VII, Division 1 of  
28 this chapter, as applicable; the provisions for neighborhood workshops stated at  
29 section 30-350, Citizen participation; and with the requirements as listed below in  
30 subsection 30-98(m), submittal requirements. A public hearing before the  
31 appropriate board shall be held to consider all new monopole wireless tower  
32 development plan applications. The base application fee for review of an  
33 application to construct a monopole wireless tower shall be the same as the fee for  
34 intermediate plan review, plus the fee for the technical consultant, if necessary.

35 ~~(i)~~(h) Personal wireless service (PWS) antennas and wireless communications facilities.

36 (1) General. This subsection is relevant to all new PWS antennas and collocated PWS  
37 antennas that increase the height of the structure or are not otherwise preempted pursuant to s.  
38 365.172(11), F.S.

39 a. PWS antennas attached to existing structures shall be permitted as accessory uses in all  
40 zoning districts.

1 b. PWS antennas may be located on existing commercial, industrial, office, institutional or  
 2 multiple-family structures ~~of five or more stories, or at least 65 feet.~~ PWS antennas shall not be  
 3 mounted on single-family structures, or on two-family structures, ~~or on commercial, industrial,~~  
 4 ~~office, institutional or multiple family structures less than five stories in height, or less than 65~~  
 5 ~~feet.~~

6 c. PWS antennas may extend a maximum of 20 feet above the roofline or the highest point of  
 7 the existing structure on which they are mounted.

8 d. The height of a rooftop installation shall be measured from the finish level of the portion of  
 9 the roof on which the antenna is mounted.

10 e. ~~The height requirement shall not apply if the PWS antenna is incorporated into a steeple,~~  
 11 ~~bell tower or similar architectural feature of a church, school or institution; however, the~~  
 12 ~~incorporated antenna must not exceed the height limitations prescribed in the airport zoning~~  
 13 ~~ordinance.~~

14 f. ~~PWS antennas may not display any advertising, nor may they display any signals, lights or~~  
 15 ~~illumination unless it is required by an applicable federal, state or local statute, ordinance, rule or~~  
 16 ~~regulation.~~

17 g. ~~The design, construction and installation of PWS antennas shall comply with all applicable~~  
 18 ~~building codes.~~

19 h. PWS antennas placed on a legally non-conforming structure shall not be considered an  
 20 expansion of the structure. Existing PWS antennas that were legally installed at the time of initial  
 21 installation may be repaired, replaced and/or relocated at an equal or lower height on the existing  
 22 structure.

23 (2) *Visual compatibility for PWS antennas not located on a communication tower.*

24 a. All new PWS antennas and collocated PWS antennas that increase the height of the  
 25 structure or are not otherwise preempted pursuant to s. 365.172(11), F.S., must be placed on the  
 26 structure out of public view to the greatest extent possible. If this is not practical, screens or  
 27 enclosures are required to conceal the facility from public view in a manner that is compatible  
 28 with the scale, color and architectural character of the structure.

29 b. If it is necessary to place the PWS antenna in public view, for aesthetic purposes it shall be  
 30 integrated into the structure in such a manner that it is compatible with the scale, color and  
 31 architectural character of the structure to the greatest extent practical.

32 c. Equipment shelters used in conjunction with such PWS antennas shall be located inside the  
 33 existing structure or hidden from public view, or made compatible with the scale, color and  
 34 architectural character of the structure.

35 d. A PWS antenna shall comply with the required setbacks for the zoning district in which it is  
 36 located.

37 (3) Development plan approval. Development plan approval in accordance with Article VII, as  
 38 applicable, and compliance with the application requirements stated in paragraphs 30-98(m)(1),

(6) and (11) are required prior to the issuance of a building permit for all new PWS antennas and collocated antennas that are not otherwise preempted pursuant s. 365.172(11), F.S.

(i) Amateur radio towers. All amateur radio towers in residential districts, as listed in Article IV of this chapter, must meet the following requirements:

(1) Height. No amateur radio tower shall rise more than 80 feet from the ground level at the exact site on which it is erected except as otherwise provided for in paragraph (7) below.

(2) Location. Amateur radio towers are only allowed in rear yards. Only one tower is allowed per lot.

(3) Guy anchors. Guy anchors shall meet the setback requirements of the respective district and are allowed in side and rear yards only.

(4) Construction standards. Amateur radio towers shall meet manufacturer's specifications and an engineer licensed in the State of Florida shall certify plans. Towers shall meet the requirements of the Standard Building Code, relating to wind loads, and shall be engineered or guyed so that in the event a tower falls it will collapse only within the property lines on which it is located. All towers shall meet the standards contained in the most current version of American National Standards Institute "Steel Antenna Towers and Steel Supporting Structures" (ANSI EIA/TIA 222, F-1996 (R 2003)).

(5) Fencing and buffering. A metal fence or solid wood or masonry wall at least 8 feet in height shall be constructed and maintained around the perimeter of the rear yard or the base of the amateur radio tower. Climb-proof shields may be substituted for a fence or wall around the tower. A combination of hedges and/or evergreen trees, at least 4 feet in height when planted, shall be planted and maintained around the perimeter of the rear yard or in a continuous line around the tower and spaced close together to provide a continuous visual screen. Shrubs shall also be planted and maintained around the guy anchors for visual screening purposes.

(6) Design/landscape plan. A design/landscape plan shall be submitted for all proposed amateur radio tower sites, showing the proposed location of the tower, guy anchors and any existing or proposed landscaping as required by this section.

(7) Development plan approval. The level of review for amateur radio towers of up to 80 feet in height shall be rapid review in accordance with Article VII.

(8) Special use permit for excess height. Amateur radio towers may be constructed in excess of the 80-foot height limitation provided a special use permit is issued. In addition to the requirements stated at Article VII, Division 5, special use permit, considerations shall include the following:

a. The effects of topography, terrain and height of surrounding tree canopy

1                   on broadcasting ability.

2           b.     The construction and design of amateur radio towers with regard to safety  
3               regulations including a consideration of the distance from the airport and  
4               whether the proposed tower would interfere with any flight paths.

5           c.     The visual impact on surrounding properties and existing or proposed  
6               screening and buffering.

7  
8   (j)    Historic preservation/conservation districts. A new wireless communications facility  
9   shall only be located in a historic preservation/conservation district if it is a camouflaged tower  
10   and is 80 feet or less in height. A certificate of appropriateness from the historic preservation  
11   board shall be required for approval, in addition to the requirements of subsection 30-98(f).  
12   Personal wireless service (PWS) antennas located in a historic preservation/conservation district  
13   shall be required to obtain a certificate of appropriateness from the historic preservation board for  
14   approval, in addition to meeting the requirements stated at subsection 30-98(h). Any alteration  
15   made to a historical structure to accommodate the placement of a PWS antenna shall be designed  
16   and constructed so that it is fully reversible without damage to the historical structure.

17   (k)   Broadcast towers, retransmission and microwave transmission towers. New broadcast  
18   towers may be guyed towers, lattice towers or monopole towers.

19  
20       (1)    Dimensional requirements.

21       a.     Tower location. For purposes of structural safety and aesthetics, broadcast  
22       towers and retransmission and microwave transmission towers shall be set  
23       back at least 300 feet from the nearest property lines of any single-family,  
24       residential-low or multiple-family district. The tower shall be set back at  
25       least 100 percent of the height of the tower from any adjoining lot line. No  
26       broadcast tower shall be located between the street and the front of any  
27       principal building. Broadcast towers adjacent to any residential district  
28       shall be screened along any common property line by trees and shrubs. A  
29       combination of hedges and/or evergreen trees, at least four feet in height  
30       when planted, shall be planted and maintained around the perimeter of the  
31       rear yard or in a continuous line around the tower and spaced close  
32       together to provide a continuous visual screen. Shrubs shall also be  
33       planted and maintained around the guy anchors for visual screening  
34       purposes.

35       b.     Anchor location. All tower supports and peripheral anchors shall be  
36       located entirely within the boundaries of the property.

37       c.     Height and angle of light. The height and angle of light obstruction of  
38       particular zoning districts shall not apply to broadcast towers.

39       (2)    Fencing and buffering (all nonresidential districts). A metal or solid fence or wall  
40       of not less than 8 feet in height from finished grade, with locked gates, shall be



1 provided around the base of each tower or around the yard area where the tower is  
2 located. Climb-proof shields may be substituted for a fence or wall around any  
3 tower. A broadcast tower shall provide a buffer equal to that of an industrial use  
4 in accordance with Article VIII, except that in cases where the adjacent use is also  
5 industrial and a buffer is not required, adjacent use Buffer D shall be provided  
6 (see section 30-253, chart A).

7 (3) Equipment storage. No equipment, mobile or immobile, not used in direct support  
8 of the transmission or relay facility, shall be stored or parked on the site unless  
9 repairs to the facility are being made.

10 (4) Aircraft hazard. All towers shall comply with the airport hazard zoning  
11 regulations stated in Appendix F to the Land Development Code.

12 (5) Development plan approval. Development plan approval shall be in accordance  
13 with the review procedures in Article VII, Division 1 of this chapter, as applicable; the  
14 provisions for neighborhood workshops in section 30-350, citizen participation; and the  
15 requirements as listed below in subsection 30-98(m), submittal requirements, as  
16 applicable.

17  
18 (1) Unused or abandoned towers. A wireless communications tower is considered unused or  
19 abandoned when it is not used for transmission or retransmission for nine consecutive months.  
20 Upon determination that a tower has been abandoned, the City Manager or designee shall provide  
21 written notice of the determination, by certified mail, to the owner of the tower. Upon receipt of  
22 the written notice of abandonment, the owner shall have 90 days to:

- 23  
24 (1) Reactivate the use of the tower;  
25 (2) Transfer the tower to another owner who makes actual use of the facility; or  
26 (3) Remove the tower and all associated equipment. If the tower is not removed  
27 within 90 days of the receipt of notice of abandonment, the city may dismantle  
28 and remove the tower and recover the costs from the owner or by accessing the  
29 bond set forth in subsection 30-98(m), Submittal requirements.

30  
31 (m) Submittal requirements. In addition to the requirements of Article VII, Division 1, an  
32 application for a new wireless communication facility shall contain the following information:

- 33  
34 (1) The identity of the owner(s) of the proposed facility, as well as the identity of the wireless  
35 communication service provider(s) who have committed to locating on the proposed facility.  
36  
37 (2) The distance between the proposed tower and the nearest residentially zoned lands.  
38  
39 (3) Details of all proposed antennas and mounting equipment, including the location on the  
40 structure, size and color.

1  
2 (4) A design drawing including a cross-section and elevation of the proposed tower.

3  
4 (5) A description of the capacity of the tower including the number and type of antennas that can  
5 be accommodated.

6  
7 (6) A certified statement from a licensed professional engineer attesting to the structural integrity  
8 of the proposed facility and its ability to accommodate collocation opportunities.

9  
10 (7) Color photo simulations showing the proposed site of the tower with a photo-realistic  
11 representation of the proposed facility, as it would appear viewed from the closest residential  
12 property or properties and adjacent roadways.

13  
14 (8) An application for a new wireless communication facility that requires a special use permit  
15 shall contain a propagation map depicting both the extent of the communication service  
16 provider's existing coverage within the subject area and the service area of the proposed tower.

17  
18 (9) A bond or irrevocable letter of credit in an amount determined by the city manager or  
19 designee, and subject to the approval of the City Attorney as to form and legality, to ensure that if  
20 the tower is abandoned pursuant to subsection 30-98(m), cost to the City for removal of the tower  
21 shall be guaranteed to the City.

22  
23 (10) FCC license.

24 (11) Any additional information that is necessary for the city to complete the review of the  
25 application and is consistent with the requirements of Florida Statutes.

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

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

34 (2) Antennas that are one meter (39 inches) or less in diameter or diagonal  
35 measurement and are designed to receive video programming services via  
36 multichannel multipoint distribution service (MMDS or wireless cable). These  
37 antennas may be mounted on masts to reach the height needed to establish line-of-  
38 sight contact with the transmitter. Antennas mounted on masts higher than 20 feet  
39 are considered communication towers and shall be subject to the provisions of  
40 subsection 30-98(h).

41 (3) Antennas that are designed to receive over-the-air television broadcast signals and

1 that are mounted on masts higher than 20 feet are considered communication  
2 towers and shall be subject to the provisions of subsection 30-98(h).

3 (4) General conditions for television antennas.

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

9 b. Antennas described in paragraphs 30-98(n)(1)-(3), shall be placed in a  
10 location not visible from the street unless an acceptable signal cannot be  
11 obtained from any other location. If an antenna must be placed where it is  
12 visible from the street, it shall be placed wholly on the subject property  
13 and shall comply with the provisions of section 30-341 (vision triangle).  
14 This is a safety-based restriction necessary to provide unobstructed sight  
15 distance in both directions on all approaches to an intersection.

16 c. A certificate of appropriateness shall be required for the placement of  
17 antennas described in paragraphs 30-98(n)(1)-(3), in those districts or on  
18 individual properties that are listed on both the local and national register  
19 of historic places and for those districts or individual properties listed on  
20 the local register of historic places for which the Federal Communications  
21 Commission has granted permission for the City to regulate antenna  
22 placement.

23  
24 (o) Environmental regulations. All wireless communications facilities shall comply with all  
25 applicable environmental regulations.

26  
27 (p) Signs and illumination. No signage or advertising shall be permitted on any wireless  
28 communications facility, except that each tower facility shall have an identification sign of no  
29 more than 6 square feet, identifying the service providers, the dates of permit approval, and the  
30 FCC registration and site identification numbers. The maximum height of the sign shall be no  
31 more than 6 feet, as measured from the base of the tower. No signals, lights or illumination shall  
32 be permitted on any wireless communication facility unless required by the Federal Aviation  
33 Administration or as an integral part of the design of a camouflaged facility.

34  
35 (q) Technical consultants. The City in its discretion shall have the right to hire independent  
36 technical consultants and experts that it deems necessary to properly evaluate individual  
37 commercial wireless facility applications for purposes of compliance with land use and zoning  
38 regulations. The applicant shall be responsible for paying the costs of such consultation, the  
39 costs of which shall be identified reasonable expenses incurred in the review of the application.  
40 Payment is due upon receipt of the billing invoice and proof of payment shall be required prior to  
41 the consideration of the application by the appropriate reviewing body of the city. The applicant  
42 shall also be responsible for paying the costs of such consultation that may occur at the time of

1 consideration of the application by the appropriate reviewing body. No final development order  
2 for the project under review shall be issued by the City until payment in full has been received by  
3 the City for technical consultation costs incurred during review of the application by the  
4 appropriate reviewing body.

5  
6 **Section 2.** It is the intention of the City Commission that the provisions of Section 1 of  
7 this ordinance shall become and be made a part of the Code of Ordinances of the City of  
8 Gainesville, Florida, and that the Sections and Paragraphs of this Ordinance may be renumbered  
9 or relettered in order to accomplish such intentions.

10 **Section 3.** If any section, sentence, clause or phrase of this ordinance is held to be invalid  
11 or unconstitutional by any court of competent jurisdiction, then said holding shall in no way  
12 affect the validity of the remaining portions of this ordinance.

13 **Section 4.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of  
14 such conflict hereby repealed except as applied to applications for development review filed on  
15 or before July 1, 2005.

16 **Section 5.** This ordinance shall become effective upon final adoption.

17 **PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2005.

18  
19  
20 \_\_\_\_\_  
21 PEGEEN HANRAHAN  
22 MAYOR  
23 ATTEST: Approved as to form and legality

24  
25 \_\_\_\_\_  
26 KURT M. LANNON  
CLERK OF THE COMMISSION  
27 \_\_\_\_\_  
MARION J. RADSON  
CITY ATTORNEY

28 This Ordinance passed on first reading this \_\_\_\_ day of \_\_\_\_\_, 2005.

29 This Ordinance passed on second reading this \_\_\_\_ day of \_\_\_\_\_, 2005.

1 Subsection 30-98, Table A

2  
3 For the purposes of this section, single-family and residential-low zoning districts shall include  
4 the following:

- 5 RSF-1: 3.5 units/acre single-family residential district.
- 6 RSF-2: 4.6 units/acre single-family residential district.
- 7 RSF-3: 5.8 units/acre single-family residential district.
- 8 RSF-4: 8 units/acre single-family residential district.
- 9 RC: 12 units/acre residential conservation district.
- 10 MH: 12 units/acre mobile home residential district.
- 11 RMF-5: 12 units/acre single-family/multiple-family residential district.

12  
13 Multiple-family districts shall include the following:

- 14 RMF-6: 8--15 units/acre multiple-family residential district.
- 15 RMF-7: 8--21 units/acre multiple-family residential district.
- 16 RMF-8: 8--30 units/acre multiple-family residential district.
- 17 RMU: Up to 75 units/acre residential mixed use district.
- 18 RH-1: 8--43 units/acre residential high-density district.
- 19 RH-2: 8--100 units/acre residential high-density district.

20  
21 Office districts shall include the following:

- 22 OR: 20 units/acre office residential district.
- 23 OF: General office district.
- 24 MD: Medical services district.

25  
26  
27 Mixed-use districts shall include the following:

- 28 MU-1: 10--30 units/acre mixed use low intensity.
- 29 MU-2: 14--30 units/acre mixed use medium intensity.
- 30 CCD: Up to 150 units/acre central city district.
- 31 CP: Corporate park district.

**ADVERTISEMENT  
NOTICE OF PROPOSED  
ENACTMENT OF  
ORDINANCE****BY CITY COMMISSION,  
GAINESVILLE, FLORIDA**

Notice is hereby given that the proposed ordinance, whose title appears below will be considered for First Reading on the 8th day of August, 2005, at the City Commission meeting and if then adopted on First Reading will be considered for Second and Final Reading and adoption on the 22nd day of August, 2005, at the City Commission meeting. The meetings begin at 6:00p.m. and the ordinances will be read as soon thereafter as may be heard. The meetings are held in the City Commission Auditorium, on the First Floor of City Hall, 200 East University Avenue, Gainesville, Florida. A copy of said ordinance may be inspected by any member of the public at the office of the Clerk of the Commission on the First Floor of City Hall during regular business hours located at 200 East University Avenue, Gainesville, Florida, and at the Public Library, Main Branch, located at 401 East University Avenue. On the dates mentioned above all interested parties may appear at the meeting and be heard with respect to the proposed ordinance. Persons with disabilities, who require assistance to participate in the meetings, are requested to notify the Equal Opportunity Office at 334-5051 or call the TDD phone line at least 2 business days in advance.

**ORDINANCE TITLE  
ORDINANCE NO. 030759**

An ordinance of the City of Gainesville, Florida; amending section 30-98, City of Gainesville Land Development Code, relating to wireless communications facilities and antenna regulations; extensively updating the regulations for compliance with the Telecommunications Act of 1996 and state law; adding definitions, adding provisions for collation and the modification of existing wireless communications facilities for consistency with state law; adding provisions for construction of new camouflaged towers and monopole towers; adding provisions for wireless communication facilities in historic districts; providing for unused or abandoned towers; describing the land development zoning related submittal requirements for new wireless communications facilities; providing for applicability of these provisions to applications filed on or after July 1, 2005; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Note: "All persons are advised that, if any person decides to appeal any decision made at any of these meetings, they will need a record of the proceedings and, for such purpose, they need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based."

July 28, 2005  
Publish Date

Kurt M. Lannon  
Clerk of the Commission

27796.7/28/05  
#A000031470  
#A000031470