

CHAPTER 1000. MISCELLANEOUS STRUCTURE REGULATIONS

SECTION 1002. WIRELESS FACILITIES

1002.1. Intent and Purpose

The intent and purpose of this section is to establish standards for the location, siting, and design of wireless facilities that accomplish the following:

- A. Allow for various types of wireless facilities in any location pursuant to standards contained in this section.
- B. Encourage the use of existing structures including, but not limited to, rooftops, utility poles, and church steeples for locating wireless facilities.
- C. Discourage new towers when existing structures are available for the placement of wireless facilities.
- D. Expedite the review process for those applications choosing the least intrusive alternative for providing the wireless facilities.
- E. Encourage developers of towers to locate, site, and design them in a way that minimizes the adverse visual impact of the towers and associated equipment.
- F. Enhance the ability of communications providers to provide such services to the community quickly, effectively, and efficiently.
- G. To encourage the compatibility of wireless facilities with surrounding land uses and protect the attractiveness, health, safety, general welfare, and property values of the community.

1002.2. Unlawful Wireless Facility

- A. Any wireless facility, or portion thereof, not authorized by County ordinances, rules, or regulations shall be considered an unlawful wireless facility. Upon identification of an unlawful wireless facility by the County, the owner of the unlawful wireless facility, or the owner/occupant of the land upon which it is located, shall seek and secure all applicable approvals and permits in accordance with the provisions of this section.
- B. No wireless facility may be attached to or placed on the site of an unlawful tower.

1002.3. Specification of Future Land Use Classifications and Zoning Districts

Wireless facilities are a permitted use or a conditional use in all Future Land Use (FLU) Classifications and all zoning districts, provided that such wireless facilities comply with the standards of this section and the permits under which the wireless facilities are regulated.

1002.4. **Tiered Review**

- A. Each application for a wireless facility shall be reviewed under one (1) of three (3) "tiers."
 - 1. Tier One applications shall be reviewed through the Building Permit review process, as provided in Chapter 18, Article III, of the Pasco County Code (PCC).
 - 2. Tier Two applications shall require confirmation of status as a Tier Two under this section through a Tier Confirmation Notification from the County Administrator or designee, as provided in this Code, Section 1002.8; then reviewed through a preliminary site plan review, as provided in this Code, Section 403.3; and Building Permit review, as provided in Chapter 18, Article III, PCC.
 - 3. Tier Three applications shall require conditional use approval, as provided in this Code, Section 402; then review through a preliminary site plan review, as provided in this Code, Section 403.3; and Building Permit review, as provided in Chapter 18, Article III, PCC.

1002.5. **Tier One**

Applications for the following wireless facilities shall be reviewed as Tier One:

- A. **Placed on New or Existing Utility Poles**
 - 1. Close-mounted or mitigated wireless facility antennas placed on new or existing utility poles (telephone poles, utility poles) fifty (50) feet or less in height, provided the antennas are no more than ten (10) feet taller than the existing poles.
 - 2. Wireless facility antennas placed on new or existing utility poles greater than fifty (50) feet in height, provided the antennas are no more than twenty (20) feet taller than the existing poles.
 - 3. Ground-mounted accessory equipment to serve wireless facility antennas on utility poles in the right-of-way:
 - a. If placed underground; or
 - b. If above ground, is no more than four (4) feet in height, does not exceed a total of 100 square feet, and is screened by a row of shrubs.

Zoning district setback requirements shall not apply to accessory equipment located in the road right-of-way, but a Right-of-Way Use Permit shall be obtained for the equipment to be placed on public rights-of-way. All cables between the

pole and the accessory equipment shall be placed underground.

4. Ground-mounted accessory equipment to serve wireless facility antennas on utility poles located outside of the road right-of-way:
 - a. If placed underground, or
 - b. If placed above ground, and
 - (1) Is located inside the zoning district setbacks for primary structures, does not exceed a total of 100 square feet or a height of four (4) feet, and is screened by a row of shrubs; or
 - (2) Meets the primary structure zoning district setbacks.

All cables between the pole and the accessory equipment shall be placed underground.

B. First Antennas on Existing Towers

Antennas other than collocations placed on new or existing towers, provided the antennas are of a design and configuration consistent with all applicable regulations, restrictions, or conditions, if any, applied to the tower when it was approved or constructed and that do not project greater than ten (10) feet above the height of the tower or, if mitigated, do not project more than twenty (20) feet above the height of the tower. The required permits for the tower and the antennas may be requested and issued separately.

C. Collocations on Existing Towers

Antennas collocated on an existing tower of a design and configuration consistent with all applicable regulations, restrictions, or conditions, if any, applied to the initial antenna array placed on the tower and that do not project greater than ten (10) feet above the height of the tower or, if mitigated, do not project more than twenty (20) feet above the height of the tower. Any regulation, restriction, or condition that limits the number of collocations or requires a review process inconsistent with this section shall not apply. As part of such collocations, new accessory equipment shall be allowed within the existing compound.

D. Placed on Other Structures

Wireless facilities mounted on structures that are not towers or utility poles provided the facilities do not project more than ten (10) feet above the height of the structure. If the antenna is a mitigated antenna, the height may be up to twenty (20) feet above the height of the structure.

E. Tower Replacement or Relocation

Replacement or relocation of existing towers, conforming or lawfully nonconforming, with replacement towers that:

1. Do not increase the height of the existing tower;
2. Will be located within 100 feet of the location of the existing tower to be replaced; and
3. Are of a monopole or mitigated tower design or, if the tower to be replaced is a mitigated tower, the replacement tower will be of a similar mitigated design.

F. Equipment Placement

Equipment buildings, shelters, or facilities that are part of the wireless facility that meet all applicable setback, height, design, and locational regulations, restrictions, or conditions.

G. Site Expansion

The expansion of the wireless facility site area approved in the original site plan by no more than a cumulative amount of 400 square feet or fifty (50) percent of the approved site size, whichever is greater.

1002.6. Tier Two

Applications for the following wireless facilities shall be reviewed as Tier Two:

- A. Placement or replacement of a wireless facility antenna, antenna array, or equipment that does not increase the height of the existing structure or facility by more than ten (10) feet over the Tier One allowed height.

B. Tower Replacement or Relocation

Replacement or relocation of existing towers, conforming or lawfully nonconforming, with replacement towers that:

1. Increase the overall height of the existing tower less than twenty (20) feet;
2. If mitigated, will be located a distance equal to the overall height of the tower from the property lines of any nearby property in a RES-1 (Residential - 1 du/ga) through RES-24 (Residential - 24 du/ga) FLU Classification;
3. If unmitigated, will be located to maintain the same setback from any nearby property with RES-1 (Residential - 1 du/ga) through

RES-24 (Residential - 24 du/ga) FLU Classification as the existing tower; and

4. Are of a monopole or mitigated tower design or, if the tower to be replaced is a mitigated tower, the replacement tower will be of a similar mitigated design.

C. Collocations that Do Not Meet Tier One Requirements

Provided that, if a portion of a collocation qualifies as a Tier One, that portion shall be reviewed as a Tier One with the remaining portion reviewed as a Tier Two.

- D. New wireless facilities that comply with the following location and design standards:

1. Located within nonresidential FLU Classifications subject to the following location, height, and separation requirements:

FLU Classification of Tower	Overall Height Limitation	Minimum separation from RES FLU Classifications or Existing Residential Uses
A-C Agricultural, AG/R (Agricultural/Rural), IL (Industrial - Light), IH (Industrial - Heavy), or Industrial Portions of MPUD Master Planned Unit Development, or MU (Mixed Use)	180 Feet Maximum	Two (2) Times the Tower Height
COM (Commercial), EC (Employment Center), TC (Town Center), A-C Agricultural, AT (Major Attractors), P/SP (Public/Semipublic), or Commercial or public/semipublic portions of MPUD, or MU (Mixed Use)	150 Feet Maximum	Two (2) Times the Tower Height
OF (Office), ROR (Retail/Office/Residential), or Office Portions of MPUD, or MU (Mixed Use)	120 Feet Maximum	Two (2) Times the Tower Height

2. Not located in conservation areas as defined by this Code.

3. Located in accordance with the height and design requirements of any designated scenic road or corridor, or outside such scenic road or corridor.
4. Designed in accordance with the following mitigation design table:

Mitigated Tower Type	Location
Church steeple, spire, or religious symbol	On property developed with a church or religious organization's use.
Bell tower, clock tower, flagpole, or unipole*	On property with a church, religious organization, institutional, recreational, community, public, or quasi-public use, or nonresidentially zoned.
Light standard	In parking lots, areas of existing lighting facilities, or as part of recreational lighting.
Tree	On any property with mature screening trees within the foreground of seventy-five (75) percent or more of views from surrounding, developed, residentially zoned property and surrounding public roads.
Silo, wind turbine, or windmill	On agriculturally zoned property.

*If a tower is mitigated as a flagpole with a flag, then only the flag of the State of Florida or the flag of the United States (U.S.) may be flown. U.S. flags must be displayed in the manner indicated by the U.S. Code.

1002.7. **Tier Three**

- A. Applications for wireless facilities not qualifying for Tier One or Tier Two review shall be reviewed as a Tier Three.
- B. Tier Three applications are subject to the following location and design standards:
 1. Location Standards:
 - a. The proposed wireless facility shall be located in an area where the adverse visual impact on the surrounding area is minimized. Being able to see a wireless facility does not necessarily equate to an adverse visual impact. Whether the visual effect of a wireless facility is adverse is based on the existence of relevant negative factors for that facility, the number of those negative factors, and the degree that the

facility evidences those negative factors. Accordingly, as used in this section, adverse visual impact shall be measured by the presence and degree of the following negative factors:

- (1) A large amount of the wireless facility is visible from normal views.
- (2) The wireless facility is of a design, material, location, or size that readily catches and holds a viewer's eye when viewed from normal views.
- (3) The wireless facility is in the normal view of a person in a moving vehicle for more than a short period of time.
- (4) The wireless facility is to be lighted and in an area with few or no other lights.
- (5) The wireless facility is readily identifiable as a wireless facility by the average viewer.
- (6) The wireless facility, when viewed from normal views, appears out of place in the area.
- (7) There is an absence of existing visual impact from other uses in the area surrounding the wireless facility.
- (8) There is an absence of vegetation, structures, or other screening between the wireless facility and normal views.
- (9) The scale (height and bulk) of the wireless facility is significantly greater than other uses existing or allowed in the surrounding area.
- (10) The facility is proposed in an area visually protected by adopted view protection corridors or generally applicable aesthetic regulations that heighten the protection of the overall aesthetics of the area.
- (11) A large amount of the available view is occupied by the wireless facility, relative to all available views.

Normal views, as used in this subsection, means views from where a person would normally be present and be able to see the facility, as well as the area of view in the normal view of the average person. Area of view is measured as the area up to fifteen (15) degrees above the horizon and thirty (30) degrees left and thirty (30) degrees right of a forward view.

- b. The location of a proposed wireless facility shall minimize environmental impacts. Ground-mounted wireless facilities should not be located in preservation areas or conservation areas.
- c. Lighted towers using guy wires are prohibited in conservation areas as defined by this Code and the Comprehensive Plan.

C. Design Standards

All Tier Three wireless facilities should be designed in such a way to minimize the adverse visual impact on the surrounding area. This may include reducing the height and silhouette in order to create the least adverse visual impact. The minimum height necessary to provide the applicant's designed service to the area should be utilized, as verified by an independent radio frequency (RF) analysis. In general, a monopole tower or mitigated tower is considered to have less adverse visual impact than alternative tower designs.

D. Cumulative Measurements

For purposes of this section, all references to height and radius are measured cumulatively from the date of the initial approval of existing utility structures and towers, and from the installation date for new utility structures or wireless facilities. The maximum additions to height or radius permitted by this section may not be used more than once for each utility structure or tower.

1002.8. Development Standards

- A. Nonmitigated, Noncollocated Antennas New nonmitigated antennas, which are not part of a collocation, mounted on a building shall not be visible from the front of the building at the pedestrian level.
- B. New Towers—Demonstration of No Collocation Opportunities (Tier Two and Tier Three Review)

A new tower shall not be approved unless the applicant can demonstrate no approved, but unbuilt, towers within 1,500 feet of the proposed tower, and no existing towers or other structures within the communications provider applicant's/coapplicant's search ring, are reasonably available for the communications provider's antennas to provide the communications provider's designed service. Factors to be considered by the County in the determination include one (1) or more of the following:

- 1. The proposed antennas would exceed the structural capacity of the existing tower/structure, and it cannot be reinforced to accommodate the proposed antennas at a reasonable cost;
- 2. The unbuilt tower or existing tower/structure does not have available or sufficient space for the proposed antennas so as to provide the

communications provider's designed service and cannot be reapproved or replaced at a reasonable cost;

3. The height of the available space on the unbuilt tower or existing tower/structure is not sufficiently tall to provide the communications provider's designed service and cannot be reapproved or replaced to provide the required height at a reasonable cost;
4. The tower's/structure's owner or property owner will not consent to the use of the structure or property at a reasonable cost;
5. The proposed antennas would cause RF interference which cannot be prevented at a reasonable cost;
6. The unbuilt tower site or existing tower/structure site does not have sufficient space for the equipment needed to operate the wireless facility and additional space cannot be secured at a reasonable cost; or
7. Other reasons that make it impractical to place the proposed antennas on the unbuilt tower or existing tower/structure.

Reasonable cost shall be defined as the point up to which all of the applicant's costs of using the unbuilt tower or existing tower/structure exceed what would be all of the applicant's costs to construct a new tower. Costs shall include, but not be limited to, costs associated with leasing or purchasing property, the costs to secure an approval, the cost of the parts of the facility, and the construction costs.

C. New and Replacement Towers (Tier Two and Tier Three Review)

1. Required Collocation Design

New and replacement towers shall be designed for collocation as follows:

- a. Towers 100 feet or less in overall height need not be designed for more than one (1) communications provider.
- b. Towers between 101 and 150 feet in overall height shall be designed for at least two (2) different communications providers.
- c. Towers between 151 and 180 feet in overall height shall be designed for at least three (3) different communications providers.
- d. Towers greater than 180 feet in overall height shall be designed for at least four (4) different communications providers.

2. Screening and Landscaping

Landscaping around the wireless facility site shall be consistent with the landscape buffering and screening requirements of this Code, Section 905.2, with the wireless facility site being treated like commercial districts/uses, but with the following variations from Section 905.2:

- a. If the landscaping/screening area is in the lease area or otherwise controlled by the tower or property owner, the easement or separate tract requirement of Section 905.2 shall not apply.
- b. The required landscaping/screening shall be placed around the exterior of the wireless facility site fence, unless the County Administrator or designee determines that the equivalent screening would be provided by the presence or use of existing landscaping, buildings, walls, fences, or other screening, in which case the required landscaping/screening may be relocated, reduced, or eliminated.
- c. Where the required buffer width exceeds ten (10) feet, the required landscaping/screening may be placed in the ten (10) feet closest to the wireless facility site fence, and the balance of the buffer width shall be treated as a setback and may contain the uses allowed on the remainder of the parcel.
- d. Landscaping shall be maintained in accordance with this Code, Section 905.2.E.

3. Parking and Access

- a. **Parking.** An area sufficient for temporary off-street parking for one (1) vehicle shall be provided.
- b. **Access.** A twelve (12) foot wide stabilized access driveway and a "T" or "L" turnaround area are acceptable unless staff determines, based on public safety concerns, that circumstances require paved access.
- c. **Access Easement Width.** The access easement shall be a minimum of twenty (20) feet in width.

4. **Lighting.** A tower shall not be artificially lit, except as may be required by the Federal Communication Commission (FCC), Federal Aviation Administration (FAA), or other applicable authority. If such lighting is required, it shall be installed in a manner to minimize impacts on adjacent properties. "Dual lighting" (red at night/strobe during day) shall be utilized unless otherwise recommended by FAA guidelines.

5. Setbacks
 - a. All new towers shall comply with zoning district setbacks for a primary structure.
 - b. All equipment on the tower site shall comply with the zoning district setbacks for an accessory structure.

1002.9. **Submittal Requirements**

A. **All Wireless Facility Applications**

In addition to the materials required for the appropriate type of review, all wireless facility applications shall provide the following:

1. A notarized affidavit from the communications provider who is to be the applicant or coapplicant for the application, authorizing the application and identifying any appointed agents.
2. A copy of the applicable FCC license or authorization of the communications provider.
3. Sufficient materials (plans, graphics, narratives, or expert statements) to demonstrate compliance with the applicable requirements of this section.

B. **Tier Two Applications for New Towers**

The application for a new Tier Two tower shall provide a copy of the notice letter to noticed property owners, as required by this Code, Section 1002.10; the list of parties noticed; and the Certificate of Mailing.

C. **Tier Two and Tier Three Applications for New Towers**

To demonstrate that there are no collocation opportunities, as provided in this Code, Section 1002.5.B, the communications provider applicant/coapplicant shall provide the following:

1. The communications provider's search ring;
2. An inventory of all existing towers or structures within the search ring that are at least seventy-five (75) percent of the height of the tower requested in the application; and
3. An explanation of why the inventoried existing towers or structures cannot be used for the placement of the communication provider's antennas/equipment, in accordance with the provisions of this Code, Section 1002.5.B.

D. Tier Three Applications for New Towers

1. Visual Impact Analysis: To demonstrate that the proposed tower will not create unmitigated adverse visual impacts, the applicant shall provide a visual impact analysis, which shall include photograph simulations of the proposed tower from a minimum of four (4) views from surrounding residential areas and public roadways. These views shall show scaled color before and after images of the proposed tower with all the expected antennas to be mounted on the tower. Additionally, an aerial image, with the location of the views noted and a description of the technical approach used to create the photograph simulations, shall be provided.
2. RF Information: To verify that the proposed height of the tower is the minimum necessary to provide the communications provider's designed service, the following RF information shall be submitted:
 - a. Areas to be served by the wireless facility.
 - b. Relationship to the communication provider's other existing or proposed wireless facilities, if applicable.
 - c. Technical data concerning the proposed facility and each existing, authorized, pending, and proposed adjacent site, if applicable:
 - (1) Type of service or function;
 - (2) Primary frequency or frequency band;
 - (3) Site name or other reference;
 - (4) Latitude and longitude (NAD 83 or WGS 84) of the tower; and
 - (5) Site elevation (amsl).
 - d. For each proposed and each adjacent cell Omni, microwave, and sector antenna, if applicable:
 - (1) Manufacturer;
 - (2) Model number;
 - (3) Frequency or frequency band (if not primary frequency band);
 - (4) Height of antenna radiation center (agl);

- (5) Maximum effective radiated output power (specify units);
- (6) Azimuth of main lobe (degrees east of north Nxxx E);
- (7) If used, mechanical and electrical beam-tilt parameters;
- (8) Proposed or required coverage area;
- (9) Latitude, longitude, and antenna height above ground of point-to-point sites; and
- (10) Other additional information as may be required to technically verify an applicant's assertions.

1002.10. **Application Completeness Review**

- A. Within twenty (20) business days of receipt of an application for a wireless facility, County staff shall determine if the application form has been completed and if all required items have been submitted.
- B. If County staff determines that the application is not complete and/or if all required items have not been submitted, the County staff shall, within the twenty (20) business days, notify the applicant in writing that the application is incomplete (Notification of Incompletion). The Notification of Incompletion shall list, with specificity, those items that are incomplete and/or missing and indicate what must be provided to make the application complete.
- C. The applicant shall have 120 days to respond to the Notice of Incompletion and/or resubmit a completed application. The applicant may choose to resubmit a completed application or withdraw the application and request a refund of application fees. After the expiration of the 120 days, the application will be deemed withdrawn unless an extension is requested within fourteen (14) days prior to the expiration of the 120-day period. Upon a written request by the applicant, one (1) extension of the response time for each Notification of Incompletion may be granted by staff upon a showing that a good faith effort is being made to provide additional or revised information. Additional extension requests shall necessitate the Board of County Commissioners (BCC) approval. In the event a completed application is not submitted or an extension obtained, the County will consider the application withdrawn.
- D. If the applicant resubmits an application, County staff shall review the resubmitted application for completeness. If the application is still not complete, County staff shall send the applicant another Notification of Incompletion indicating the remaining deficiencies within the regular review timeframes, but in no case longer than twenty (20) business days after the application is resubmitted. The same 120-day period indicated in Paragraph 1002.10.C. above shall apply to each subsequent Notification of Incompletion.

- E. If County staff fails to notify the applicant in writing that the application is incomplete within twenty (20) business days after the application is initially submitted or additional information is resubmitted, the application is deemed, for administrative purposes only, to be properly complete.
- F. When the application is deemed complete and all required items have been submitted, the County staff shall send the applicant a Notification of Completion and begin processing the application.

1002.11. **Tier Confirmation Notification**

- A. Prior to application for preliminary site plan review, each applicant for a Tier Two wireless facility must request and receive a Tier Confirmation Notification from the County Administrator or designee confirming that the design and location of the proposed wireless facility qualifies for Tier Two review under this Code, Section 1002.6. The request for the Tier Confirmation Notification shall include:
 - 1. The parcel identification number for the parcel on which the wireless facility is to be located.
 - 2. A narrative describing which type of Tier Two wireless facility is proposed and stating how the proposed wireless facility meets the Tier Two classification.
 - 3. A basic site plan or sketch with sufficient information to indicate how the proposed wireless facility qualifies to be reviewed as a Tier Two.
 - 4. Other materials as may be necessary to demonstrate that the proposed wireless facility qualifies to be reviewed as a Tier Two; e.g., photograph simulations to demonstrate that existing trees will provide sufficient screening for a tree-type mitigated tower.
- B. The County Administrator or designee shall review the submitted materials to determine if the requested wireless facility is of the type, design, and location to qualify to be reviewed as a Tier Two facility, and provide the applicant with a written determination within ten (10) business days of the material submittal. Any determination that the proposed wireless facility does not qualify for Tier Two review may be appealed in accordance with this Code.

1002.12. **Notice and Opportunity for DRC Review of New Tier Two Towers**

- A. **Notice**
 - 1. No sooner than three (3) days prior to submitting an application for a preliminary site plan review for a Tier Two tower, the applicant shall provide written notice of the filing of the application to all of the property owner(s) within a distance of 500 feet of the subject property line ("noticed property owners"). The notice must be mailed with the

Certificate of Mailing to provide evidence of the mailing date to the noticed property owners. Proof of such notice shall be included with the application for preliminary site plan review.

2. The notice shall contain:
 - a. A basic description of the proposed tower;
 - b. The address and/or property identification number of the subject property;
 - c. A map or description of where the tower is to be located on the parcel;
 - d. Contact information for the applicant's representative;
 - e. The County address where written objections can be filed; and
 - f. A statement substantially the same as the following:

NOTICE

A Tier Two application for an administrative site plan review under the Pasco County Land Development Code, Section 1002.4, has been submitted for this proposed tower. If you have any questions about this application, you are encouraged to contact the applicant's representative. If you believe this application does not meet the applicable requirements of the Pasco County Land Development Code, Section 1002.6, you have the right to seek review of this application by the Development Review Committee (DRC). To seek this review, you must file a written objection with the Pasco County Administrator or designee at the address indicated below within fifteen (15) days of the mailing date of this letter and a hearing before the DRC will be scheduled.

B. DRC Review

1. If written objection(s) are received from noticed property owners, they shall be timely forwarded to the applicant. The applicant shall consider the objection(s) and have appropriate contact with the noticed party to resolve this objection(s). Unless the objecting property owner withdraws all objections in writing to the County within ten (10) business days of the applicant's receipt of the written objection, the Tier Two application shall be submitted to the DRC for their review at a public hearing. Notice of the DRC public hearing

shall be provided consistent with the Public Notice Provisions of this Code, Chapter 300. The sole issue to be considered by the DRC is whether the Tier Two application which is the subject of the written objection(s) meets the applicable Tier Two standards of this section. Applications meeting the Tier Two standards shall be approved. A denial by the DRC of a Tier Two application shall be in writing and supported by competent, substantial evidence in the record.

2. If a Tier Two application is found by the DRC, or upon appeal to the BCC, to not comply with Tier Two standards, the applicant may request that the application be processed as a Tier Three application. The applicant shall be required to pay any difference between the Tier Three and Tier Two fees and shall be subject to any additional Tier Three submittal requirements. If such an application is processed as a Tier Three application, such application shall be deemed to be a new application for purposes of computing the time limitations of this Code, Section 1002.10, or, as applicable, 1002.14.B.

1002.13. **Expert Review**

- A. Due to the complexity of the methodology and/or analysis required to review an application for a wireless facility, the County may require a technical review by a third party expert, the costs of which shall be borne by the applicant, which sum shall be in addition to regular review fees. All Tier Three wireless facility applications shall require an expert review. The County reserves the right to require an expert review for any other type of application. Applicants for a wireless facility shall submit a deposit as determined by fee resolution toward the cost of such technical review upon written notification from the County and shall remit any outstanding balance to the County for such review prior to the issuance of a Building Permit for the wireless facility.
- B. The expert review may address any or all of the following:
 1. The accuracy and completeness of submissions.
 2. The applicability of analysis techniques and methodologies.
 3. The validity of conclusions reached.
 4. Whether the proposed wireless facility complies with the applicable standards set forth in this section; and
 5. Other matters deemed by the County to be relevant to determining whether a proposed wireless facility complies with the provisions of this section.
- C. Based on the results of the expert review, the County may require additional information or submittals or impose conditions of approval.

1002.14. **Review Timeframes**

A. **Tier One**

1. Applications for Tier One collocations shall be reviewed within the normal timeframes for similar Building Permits, but in no case later than forty-five (45) business days after the date the application is deemed complete.
2. All other Tier One applications shall be reviewed within the normal timeframes for similar Building Permits, but in no case later than ninety (90) business days after the date the application is deemed complete.

B. **Tier Two and Tier Three**

The County shall review and grant or deny each properly completed application for Tier Two or Tier Three review within the normal timeframes for a preliminary site plan review or a conditional use approval, pursuant to this Code, as applicable, but in no case shall the review and decision on the application take more than ninety (90) business days from the date the application is determined to be properly complete.

- C. If the County does not grant or deny a properly completed application for a wireless facility within the timeframes set forth in Section 1002.14 A. or B, the application shall be deemed automatically approved and the applicant may proceed with the next level of review or, if no additional levels of review are required, with the placement of the wireless facility.
- D. For Tier Three applications only, the ninety (90) business-day timeframe may be extended if the hearing on the conditional use approval before the BCC, following the review process and timeframe applicable to all conditional use approvals for all uses, cannot reasonably occur within the ninety (90) business days. Under such circumstances, the BCC must either grant or deny the application at its next regularly scheduled meeting after the ninety (90) business days have expired or the application shall be deemed automatically approved.
- E. If during the review period the application is significantly amended, unless the review timeframe is waived by both the applicant and the County, it shall be considered a new application and a new review period will be established.
- F. These timeframes may be waived if a waiver is voluntarily agreed to by the applicant and the County. A one-time waiver may be required by the County in the case of a declared local, State, or Federal emergency, which directly affects the permitting activities of the County, for the length of that emergency and its effects.

1002.15. **Abandonment and Removal**

Any wireless facility that is not operated for a continuous period of six (6) months shall be considered abandoned, and the owner of such wireless facility shall remove same within ninety (90) days of notice from the County Administrator or designee that the wireless facility is abandoned. If such wireless facility is not removed within the said ninety (90) days, the County may have the wireless facility removed at the wireless facility owner's expense.

1002.16. **Radio Frequency Emissions FCC Guidelines**

All wireless facilities shall comply with the most current FCC rules and guidelines concerning human exposure to radio frequency electromagnetic fields (FCC Guidelines). The County reserves the right to request the FCC to provide information or verification of a wireless facility's compliance with FCC Guidelines. A wireless facility that meets the FCC Guidelines shall not be conditioned or denied on the basis of radio frequency impacts.

1002.17. **Personal Wireless Facilities**

A. **Definitions**

1. **Amateur Radio Facilities.** Wireless facilities used as part of an amateur radio station, as defined by 47 United States Code 153(2) (a radio station operated by a duly authorized person interested in radio technique solely with a personal aim and without pecuniary interest).
2. **Over the Air Reception Devices (OTARD) Facilities.** Wireless facilities that are included under the OTARD Rule, as indicated in 47 Code of Federal Regulations, Section 1.4000, antennas that are:
 - a. One (1) meter (39.37 inches) or less in diameter or diagonal measurement and designed to receive direct broadcast satellite service (including direct-to-home satellite service), video programming services via broadband radio service (wireless cable), or to receive or transmit fixed wireless signals (any commercial nonbroadcast communications signals transmitted via wireless technology to and/or from a fixed customer location), and antennas designed to receive local television broadcast signals; and
 - b. On property within the exclusive use or control of the antenna user where the user has a direct or indirect ownership or leasehold interest in the property.

OTARD facilities do not include amateur radio facilities; broadcast facilities; CB radio; digital audio radio services; antennas used as part of a hub, relay, or other fixed wireless facilities that are used to transmit signals to and/or receive signals from multiple customer locations; e.g., facilities providing WI-FI internet service to multiple customer locations off the antenna property; or other wireless facilities.

3. Personal Antenna. An antenna that will be used as a component of a personal wireless facility (PWF).
4. Personal Tower. A tower, mast, or other structure specifically erected to support a personal antenna and other PWF components.
5. PWF. OTARD facilities and amateur radio facilities. Wireless facilities that do not meet the definition of or requirements for a PWF shall be considered a wireless facility, as regulated elsewhere in this section.

B. Amateur Radio Facilities

The installation of any amateur radio facility shall be subject to the following standards:

1. Amateur radio facilities shall be considered accessory structures and must meet all required setbacks and/or locational limitations set forth in this code. Amateur radio facilities shall be located only in side- or rear-yard areas on any residential lot less than 20,000 square feet in size. However, certain types of amateur radio facilities require "guying," and all antennas and associated "guys" or "guy wires" shall be allowed to project into and onto the setback areas. Amateur radio facilities, when attached to the primary building of the lot, shall be deemed in compliance with setbacks when so fixed.
2. Temporary antennas must be securely anchored.
3. All parts of the amateur radio facility shall have vertical and horizontal clearance from any electric lines.
4. Construction, installation, repair, or maintenance of amateur radio facilities shall not require a Building Permit; however, such activity shall be performed in accordance with all manufacturers' specifications.
5. Amateur radio facilities shall not be mirror-like and shall contain no advertising or signage of any type except for owner identification, manufacturer, sales, repair logos, or signage required by State and/or Federal regulations.
6. All amateur radio facilities shall be subject to appropriate FCC and FAA requirements.

C. OTARDS

1. An owner or a tenant may install an OTARD facility on property that he or she owns or over which he or she has exclusive use or control. This includes single-family homes, condominiums, cooperatives, town

homes, and manufactured homes. In the case of condominiums, cooperatives, and rental properties, these requirements apply to “exclusive use” areas, like terraces, balconies, or patios that only the owner/renter and people allowed by the owner/renter may enter and use. If the area is shared with others or accessible without the owner/renter’s permission, it is not considered to be an exclusive use area.

2. An OTARD facility may also be installed by a landlord, a community association, or jointly by condominium owners for common use.

D. Design Standards

1. Personal towers shall be no taller than is required for proper operation of the intended service’s requirements. In the case of personal towers for the support of OTARDS, the height shall be no greater than twelve (12) feet above the maximum building/structure height of the zoning district in which the personal tower is located;
2. Personal towers may be guyed, provided the guy wires terminate inside the area exclusively available to the owner or operator of the PWF;
3. The wind loading capacity of a personal tower must be sufficient to safely support the personal antenna mounted on it; and
4. A personal antenna shall not have a dimension exceeding one (1) meter nor a flat plate wind load of more than one (1) square meter (10.9 square feet).

E. Prohibited Uses

1. A personal tower shall not be shared with nonpersonal wireless facilities.
2. A personal tower shall not be converted to a nonpersonal tower except through the tiered permitting processes of this section.
3. Operation of a PWF for profit or other commercial purpose is prohibited.