



**Marion County  
Board of County Commissioners**

**Growth Services**

2710 E. Silver Springs Blvd.  
Ocala, FL 34470  
Phone: 352-438-2600  
Fax: 352-438-2601

**PLANNING & ZONING SECTION  
STAFF REPORT**

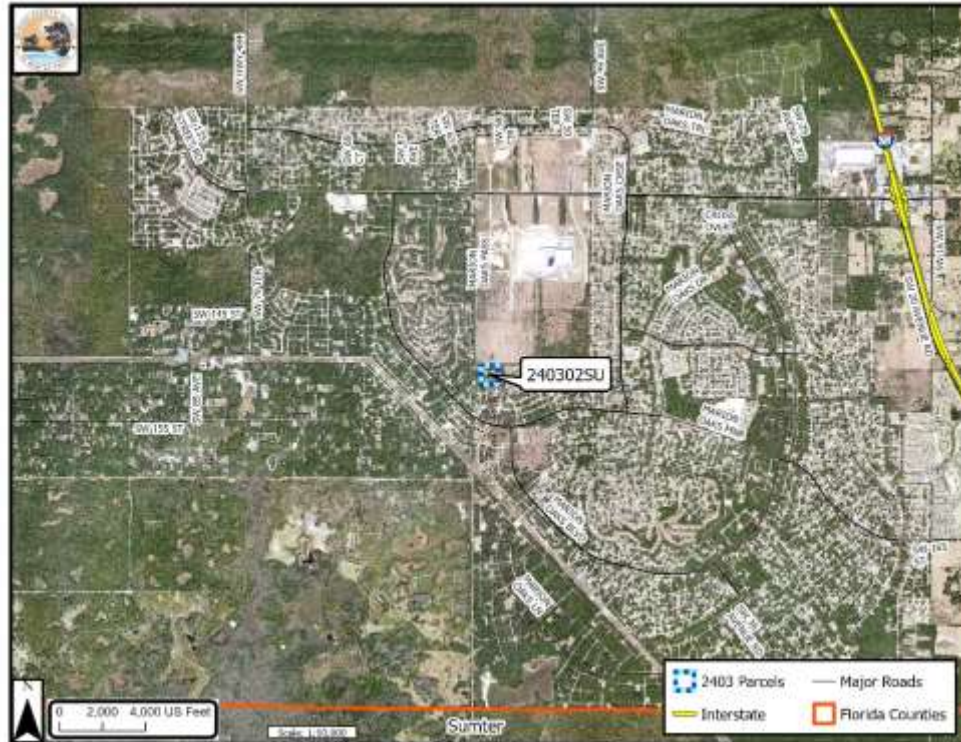
<b>P&amp;ZC Date: 03/25/2024</b>	<b>BCC Date: 04/16/2024</b>
<b>Case Number:</b>	240302SU
<b>CDP-AR:</b>	30922
<b>Type of Case:</b>	<b>Special Use Permit</b> to construct a new 250' AGL lattice telecommunication tower and support facility
<b>Owner</b>	Marion County
<b>Agent</b>	Marion County Public Safety c/o Mattaniah S. Jahn
<b>Street Address</b>	5950 SW 150TH LN ALL UNITS
<b>Parcel Number</b>	8009-0000-00
<b>Property Size</b>	±15.34-acres
<b>Future Land Use</b>	Public (P)
<b>Zoning Classification</b>	Single Family Zoning (R-1)
<b>Overlay Zone/Scenic Area</b>	Secondary Springs Protection Overlay Zone
<b>Staff Recommendation</b>	<b>APPROVAL WITH CONDITIONS</b>
<b>P&amp;ZC Recommendation</b>	<b>TBD</b>
<b>Project Planner</b>	Marcus Lloyd, Planner
<b>Related Case(s)</b>	N/A

## I. ITEM SUMMARY

Mattiniah S. Jahn Esq., on behalf of Marion County Public Safety Communications, has filed an application for a special use permit to allow the construction of a 250' AGL lattice style telecommunication tower (Lattice) and related support infrastructure on a 15.34-acre parcel with a Single Family Dwelling (R-1) zoning designation; the subject property has a future land use designation of Public. The proposed Lattice location, as shown on the site plan provided, is located near the south-central portion of the property line. (Attachment A Page 30). The parcel ID number associated with the overall property is 8009-0000-60, and the Lattice's equipment area consists of 6,400 square feet. The property is outside the Urban Growth Boundary and is situated within the Secondary Springs Protection Overlay Zone. The property is within the Marion Oaks subdivision.

Based on the staff analysis identified further in the report below, the Lattice is **not compliant** with the LDC's requirement for 100% height setback from other R-1 zoned properties. However, based on the analysis of the certified fall radius (Attachment A, page 30) that states this certified fall radius will be 170' feet, and a letter (Attachment D) that states the Lattice design follows the latest standards for antenna structure and safety. The Lattice will be completely contained in the subject property and is sufficiently far enough from any parcel of land where a residential structure could be placed in the future.

**Figure 1**  
**General Location Map**



## II. STAFF SUMMARY RECOMMENDATION

Staff recommends **APPROVAL** with conditions specified in Section VI.B. of this Staff Report. The recommended conditions are being imposed to address compliance with the requirement in LDC Sections 2.8.2.D and 2.8.3.B.

## III. NOTICE OF PUBLIC HEARING

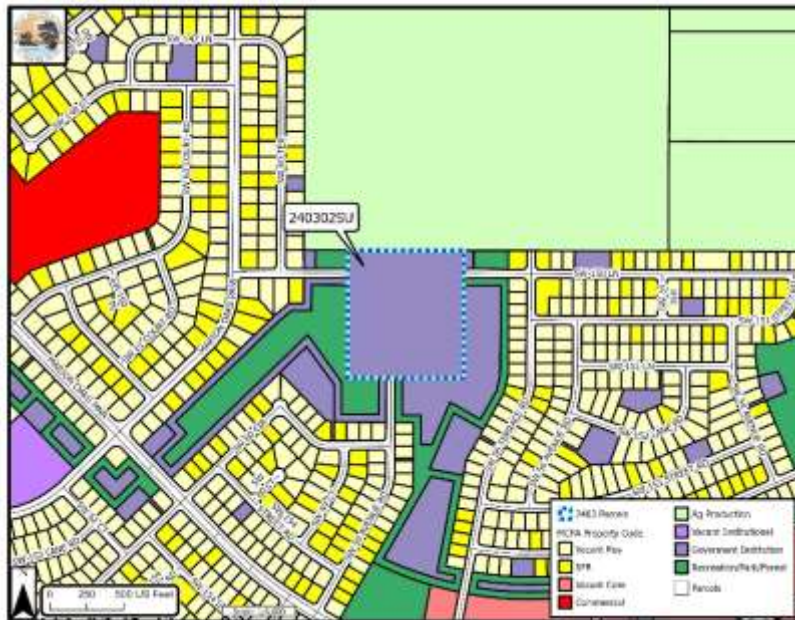
Consistent with LDC Section 2.7.3.C., notice of public hearing was mailed to all property owners (37 owners) within 500 feet of the subject property on February 12<sup>th</sup>, 2024. Consistent with LDC Section 2.7.3.B., public notice was posted on the subject property on February 23<sup>rd</sup>, 2024, and consistent with LDC Section 2.7.3. E. due public notice was published in the Ocala Star-Banner on February 9<sup>th</sup>, 2024. Evidence of the above-described public notices are on file with the Growth Services Department and is incorporated herein by reference. As of the date of initial distribution of the staff report, no letters of opposition or support have been received.

## IV. BACKGROUND/CHARACTER OF THE AREA

A. *Existing site conditions.* The subject property is ±15.34-acres in size and located North of Marion Oaks Blvd. The property is being used for a water treatment plant. A site visit was made on 2/23/2024. Pictures of the site have been attached to this report (see Attachment B). Figure 1 is an aerial photograph showing the location of the subject property. Figure 2 shows the existing use per the Marion County property appraiser map. The subject parcel is designated as Public with the Cross Florida Commerce Park to the North, and a series of greenbelt and DRAs to the east and west. These surrounding properties are still zoned R-1, with the northern agricultural portion being zoned Planned Unit Development (PUD).

LDC Sec. 4.3.25 states the intent of tower placement is to locate them, to the extent possible, in areas where adverse impacts can be minimized. The proposed location is already home to public use infrastructure, and Marion County Public Safety deems this parcel as the most suitable location to meet its objectives in the area. The parcel is located inside of the Marion Oaks subdivision, with many mature trees on the subject site that would act as a buffer for surrounding uses.

**Figure 2**  
**Existing Use Per Marion County Property Appraiser Map**



- B. *Zoning district map.* Figure 3 shows the subject property and the properties contiguous are zoned Single Family Dwelling (R-1) with the exception of a small portion of General Agriculture (A-1) to the Northeast and Planned Unit Development (PUD) to the North. The Subject Property is utilized as Government Use and is a county-owned property being used for a water treatment plant.

**Figure 3**  
**Zoning District Map**





- C. *FLUMS designation.* Figure 4 shows the FLUMS and it shows the subject property is used as Public Land, with more Public Land to the east. To the west is land designated for Preservation. To the north is Commerce District Land Use. Surrounding the subject property to the southeast, and west is Medium Residential, which allows for 1-4 du/acre.

**Figure 4**  
**FLUMS Designation**



The following table summarizes adjacent future land use designation, zoning districts, and existing uses:

<b>ADJACENT PROPERTY CHARACTERISTICS</b>			
<b>Direction of Adjacency</b>	<b>Future Land Use Designation</b>	<b>Zoning</b>	<b>Existing Use/MCPA Property Class</b>
<b>North</b>	Commerce District (CD)	Planned Unit Development (PUD)	Grazing Land (63)
<b>South</b>	Public (P) Preservation (PR)	Single Family Zoning (R-1)	County Property (86) & Recreational Classified Use (97)
<b>East</b>	Public (P)	Single Family Zoning (R-1)	County Property (86)
<b>West</b>	Preservation (PR)	Single Family Zoning (R-1)	Recreational Classified Use (97)

## V. ANALYSIS

LDC Section 2.8.2.E provides that in making a recommendation to the Board, the Planning and Zoning Commission shall make a written finding the SUP addresses requirements. LDC Section 2.8.3.B requires consistency with the Comprehensive Plan. Staff's analysis of compliance with requirements is addressed below.

### **Telecommunications towers and antennas (Sec. 4.3.25).**

- A. Purpose and intent. The intent of this section is to provide standards and regulations for the location of telecommunication antennas and towers in the unincorporated area of Marion County. These regulations and requirements are adopted with the intent and purpose of protecting the health, safety, and welfare of the public; of encouraging users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal; of protecting residential areas, scenic roads, historical sites and other land uses from potential adverse impact of antennas and towers; to minimize adverse visual impact of antennas and towers through careful design, siting, and landscaping; to encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas; to promote and strongly encourage shared use (collocation) of existing towers and antenna support structures as a primary option rather than construction of additional single-use towers; to avoid potential damage to property caused by antennas and towers by

ensuring such structures are soundly and carefully designed, constructed, modified and maintained; to ensure that antennas and towers are compatible with surrounding land uses; and to enhance the ability of the providers of telecommunication services to provide such services to the community quickly, effectively and efficiently.

**Analysis:** Applicant proposes a 250' Lattice that will serve Marion County Public Safety needs in this area of the County. The design of the Lattice will be dull gray, with no guy wires extending from the structure, allowing for visibility to be minimized during the day. The Lattice will be lit at night in accordance with FAA safety regulations, but will only be lighted to the minimum amount necessary under federal law. The site plan provided shows the fenced area for this special use will be 6400 sq. ft in size. Staff finds that the application is **consistent** with this section.

B. Location priority:

- (1) It is recognized that different wireless telecommunication services and providers have distinct geographical areas in which they must be located to provide their service, but it is also recognized that there is usually some flexibility in the type of antenna and type of support structure on which the antenna is to be located. Therefore, all antennas and towers subject to this section shall to the extent possible be located in accordance with the following prioritization of types of facilities and sites:
  - (a) Antennas on existing towers.
  - (b) Antennas on existing antenna support structures.
  - (c) Antennas on modified or reconstructed towers designed to accommodate the collocation of additional carriers as set forth in Section 4.3.25.G(4) and (5).
  - (d) Towers and antennas on limited replacement/modified light standards, power poles, or other such Antenna Support Structures in a non-residential zoning district (zoning districts other than R-1, R-2, R-3, R-4, RE and Residential PUD).
  - (e) Towers on property controlled and used by a governmental or quasi-governmental entity.
  - (f) New construction and new towers.

**Analysis:** This Lattice is being proposed as there are no available towers and/or antenna support structures that Public Safety can collocate upon. The applicant chose this location as the parcel is already owned by the County, and is currently being utilized to house a water treatment plant. The existing mature trees on the property also provides buffering to the adjoining residential area, minimizing visual impact for nearby residents. Due to the use of the Lattice as it relates to the objectives of the County's Public Safety Department and the proposed location of the Lattice on land owned by the County; Staff finds that the application is **consistent** with this section.

- C. Permitted use. A communication tower meeting the requirements of this section and Sections 4.3.25.E and 4.3.25.G shall be a permitted use of land requiring administrative review and administrative permit only. A communication tower allowed as a permitted use under this section shall be limited to a maximum of 150 feet in height and shall be a monopole tower. A communication tower that fails to meet the requirements of this section as a permitted use may be permitted by SUP issued by the Board.
- (1) On designated County property.
  - (2) On Federal, State, or municipal property.
  - (3) On school sites as designated by the School Board.
  - (4) On property with an industrially or commercially designated land use.
  - (5) On property within an urban commerce district or specialized commerce district.
  - (6) On new structures and replacement structures on electrical substation properties as long as the new structure is setback at least 75 percent of the height away from an existing residential structure and the new structure is no more than 150 feet in height.

**Analysis:** Staff finds that the application fails to meet the requirements of this section as a permitted use, due to height, and may be permitted by SUP issued by the Board.

- D. Special Use Permit (SUP). No person shall erect or modify an antenna or an antenna support structure, construct a new tower, or modify an existing tower without first obtaining a SUP pursuant to this section, or an administrative permit as set forth herein. The Board is under no obligation to approve a SUP application unless and until the applicant meets their burden of demonstrating that the proposed use will not adversely affect the public interest, the proposed use is consistent with the Comprehensive Plan and the proposed use is compatible with land uses in the surrounding area. The Board's determination shall be based on substantial and competent evidence, documentation and testimony received at the public hearing including but not limited to the recommendation of the County Growth Services staff, the recommendation of the Planning and Zoning Commission, information and recommendation of County engineering consultants, information from the applicant and any party in support or opposition, or their respective representatives. In addition, the Board shall consider the following factors in determining whether to issue a SUP for a new tower, although the Board may waive or reduce the burden on the applicant of one or more of these criteria if the Board concludes that the goals of this section are better served thereby.
- (1) Height of the proposed tower; surrounding topography; surrounding tree coverage and foliage; nature of uses on adjacent and nearby properties;



proposed ingress and egress; and availability of suitable existing towers and other structures as set forth in this section.

- (2) Proximity of tower to residential structures and residential subdivision boundaries, including the amount of the tower that can be viewed from surrounding residential zones in conjunction with its proximity (distance) to the residential zone, mitigation landscaping, existing character of the surrounding area, or other visual options proposed by the applicant.
- (3) Proximity of the tower to public and private airports, including but not limited to the effect on the airport traffic pattern and visual and instrument approaches, orientation to the runway heading and type and volume of aircraft traffic operating at the airport.
- (4) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness, including the extent to which the tower is designed and located to be compatible with the nature and character of other land uses and/or with the environment within which the tower proposes to locate, the tower may be placed, designed or camouflaged to assist with mitigating the overall aesthetic impact of a tower.
- (5) No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Board that no existing tower or antenna support structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or antenna support structure can accommodate the applicant's proposed antenna must be submitted with the application and may consist of any of the following:
  - a. No existing towers or antenna support structures are located in the within the geographic area required to meet the applicant's engineering requirements
  - b. Existing towers or antenna support structures are not of sufficient height to meet applicant's engineering requirements.
  - c. Existing towers or antenna support structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.
  - d. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or antenna support structure, or the antenna on the existing towers or antenna support structures would cause interference with the applicant's proposed antenna.
  - e. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or antenna support structure or to adapt an existing tower or antenna support structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
  - f. The applicant demonstrates that there are other limiting factors that render existing towers and antenna support structures unsuitable.

**Analysis:** The applicant proposes Lattice design that will be dull galvanized gray, with no guy wires extending from the structure, allowing for visibility to be minimized during the day. The Lattice will be lit at night in accordance with FAA safety regulations, but will only be lighted to the minimum amount necessary under federal law. The Lattice will be 250' AGL, which is the minimum height Public Safety needs to meet its RF objectives. The Lattice will be located on the southern portion of the property. The boundary and topography survey provided shows an existing dirt road. Intersecting the dirt road, a 12' wide gravel access road is proposed to go to the tower location, which will have fence surrounding it with one ingress and egress point for vehicles, a proposed 12' wide gate. DRC comments from Engineering state no concerns with development (Attachment C). The subject parcel and surrounding properties have mature trees, with mature hardwood canopy scattered around the area. This will provide a natural buffer to the view of the Lattice from surrounding residential structures. The FAA has determined that the Lattice will not prove hazardous to any aircraft navigation in the area (Attachment A Pages 24-28). Marion County Public Safety has determined that a 250' tower is needed in this area to achieve the necessary height to accomplish the Departments Radio Frequency (RF) objectives. The Lattice must be controlled by Public Safety for the security of its proprietary network. Staff finds that the application is **consistent** with this section.

- E. Development standards. The following development standards shall govern the application, consideration and issuance of administrative and SUPs. The applicant shall comply with the following conditions, unless the applicant can demonstrate that the goals of this section are better served by the waiver of these requirements.

**Analysis:** The applicant has provided a certified fall radius (Attachment A, page 30) that shows the fall radius of 170' will be isolated inside of the subject parcel. The Lattice will be designed 250' away from any public roads. Based upon the Lattice's height, the required separation for residential dwelling units shall be 375'. At the time of this application, the nearest residence is 710' to the Southwest. (See Residential Separation Aerial Attachment A Page 23) Additionally, the Lattice and its compound setbacks are as follows:

Required Tower Separation from Residentially Zoned Land			
Direction	Required	Provided*	Compliance
North	250'	±696'	Yes
South	250'	±180'	No
East	250'	±329'	Yes
West	250'	±461'	Yes

Compound Setback from Parent Property Line			
Direction	Required	Provided*	Compliance
North	25'	±696'	Yes
South	25'	±180'	Yes
East	8'	±329'	Yes
West	8'	±451'	Yes

**Analysis:** Staff finds that the supporting facilities are in compliance with the code-required Single-Family Dwelling (R-1) zoning setbacks on the subject property. However, in the proposed plan, the Lattice placement is **not compliant** with the 100% tower height setback requirement for residentially-zoned properties in relation to the property line to the south. In order to be compliant, the Lattice would need to be placed 250' away from the R-1 zoned property to the south. Alternatively, the Board can approve a reduced distance under this SUP. As provided in (Attachment A pg. 30 and Attachment D), the certified fall radius for this Lattice is 170'. The land directly to the south and east of the Lattice is owned by Marion County and has a future land use designation of Public with R-1 zoning, and is 180' away from the Lattice's location. There is a sliver of a parcel that runs adjacent to SW 59<sup>th</sup> Avenue Rd, which carries a future land use designation of Preservation land, and also is classified R-1 zoning. This parcel is also a designated greenbelt tract (Tract T63) in Marion Oaks and is roughly 205' away from the Lattice placement, and a reduction would also need to be granted by the Board to be compliant with this requirement. Similarly, the land to the south and west carries a Preservation future land use designation, and has a sliver of a parcel that mirrors the parcel on the opposite side of SW 59<sup>th</sup> Avenue Rd. This parcel is also a greenbelt tract in Marion Oaks. However, these tracts to the south and west are privately owned, and the Lattice plan complies with the Code for tower setbacks to these property lines. The setbacks which are of concern to staff and which are not in compliance with the Code are the setbacks to the property lines to the south and east, which are the borders of the one greenbelt tract (T63), and the property owned by Marion County (See Figure 4, page 6 of this report). Based on the above analysis, staff would be willing to accept the 180' setback based on the R-1 zoned properties not being developable in the future and the certified fall radius (170') being less than the setback provided.

**Table 4.3-2 Tower Locational Requirements**

<b>Required Tower Separation from Residential Dwelling</b>			
<b>Direction</b>	<b>Required</b>	<b>Provided*</b>	<b>Compliance</b>
<b>Northwest</b>	375'	±827'	Yes
<b>Southwest</b>	375'	±710'	Yes
<b>East</b>	375'	±713'	Yes
<b>West</b>	375'	±710'	Yes

**Analysis:** Staff finds that the Lattice is in compliance with the code-required 150% height setbacks required for surrounding residential dwellings. In terms of future development of sites to the South, the nearest residential dwelling would be 500' away from the Lattice, still meeting the required setback. Staff finds that this section is **consistent** with the requirement.

- G. Administrative permit. No person shall erect or modify an antenna on an antenna support structure, construct a new tower as a permitted use, or modify an existing tower without first obtaining an administrative permit pursuant to this section. The Growth Services Director shall issue administrative permits consistent with the requirements of this section, and Sections 4.3.25.B, 4.3.25.C, 4.3.25.E, and 4.3.25.F. An application for an administrative permit shall be in writing and in such form and content necessary to justify the permit.

**Analysis:** This section is not applicable

- H. Abandonment of communication towers:

**Analysis:** The applicant included in their Findings of Facts/Statement of Need that they will be complaint with local codes and ordinances which would include requirements for abandonment of communication towers.

- Abandonment of the communication tower shall follow the requirements set in place in LDC Sec. 4.3.25 (H). Staff recommends the following condition be imposed:
  - This Special Use Permit is specific to Marion County Public Safety, and the parties involved in the application package. In the event that the current property owner should vacate or divide the property, the special use permit shall terminate. In the event that the tower ownership changes; or the tower becomes abandoned, the special use permit shall terminate.

### **Submittal requirements (Sec. 2.8.2).**

- E. Applications for Telecommunication Towers shall include a description of the following findings. The P&Z may make further written findings that the specific requirements contained in Section 4.3.25 governing a SUP for telecommunication towers has been made concerning the following matters, where applicable:

#### **(1) Setbacks from Parent Property Lines**

**Analysis:** As noted previously in the report, this requirement is currently not being met. Notwithstanding, staff recommends the following conditions:

- The tower shall be placed as proposed in order to meet the 180' setback from the nearest residentially zoned parcel.
- The tower shall be placed as proposed in order to meet the required minimum setbacks of 150% tower height from Residentially occupied properties not owned by Marion County.

#### **(2) Certified fall radius**

**Analysis:** The applicant states that the Lattice will be 250' away from any public roads or privately owned lands. Given the size of the subject parcel and its relation to surrounding properties, in the event of a structural failure, the Lattice will collapse upon itself on the weakest leg at an elevation of 80'. The applicant has provided a site plan (Attachment A, page 30) that states this certified fall radius will be 170' feet, and a letter (Attachment D) that states the Lattice design follows the latest standards for antenna structure and safety.

(3) Locational Requirements Relative to Offsite Uses and Zoning

**Analysis:** The proposed location is zoned R-1 with a land use of Public Use. The property is currently being used for a water treatment facility and is not being residentially used in any way. Visually, the Lattice will be buffered from street level view similar to existing structures on the property and serves to fill the gap for service in the area where collocation is not an option.

(4) Provisions for Collocation

**Analysis:** The Lattice will be designed to collocate qualified commercial users as the Marion County Public Safety Department deems appropriate given the sensitive nature of its communication network.

(5) Tower Clustering

**Analysis:** Not applicable, see finding 4 above.

(6) Landscaping, Screening and Buffers

**Analysis:** Public Safety has requested a landscape buffer from the Development Review Committee in this instance to implement Crime Prevention through Environmental Design (CPTED) Principles. Staff supports this request given the existing mature tree canopies surrounding the subject property. Notwithstanding, staff recommends the following condition:

- Pending DRC approval, the proposed site plan will comply with any and all buffer requirements as deemed appropriate by County staff.

(7) Lighting of Tower

**Analysis:** The Lattice will be lit under FAA safety regulations, but will only be lighted to the minimum amount necessary to be in compliance with federal law.

(8) Color of Tower

**Analysis:** The color of the Lattice will be galvanized grey.

(9) Building design and blending of tower facilities to the natural setting and built environment

**Analysis:** As previously stated, the Lattice's design will be dull gray with no guy wires extending from the structure, minimizing daytime visibility. The Lattice will be lit at night in accordance with FAA safety regulations, but will only be lighted to the minimum amount necessary under federal law. The Lattice will be 250' AGL, which is the minimum height needed by the Public Safety Department. The Lattice's compound will be enclosed by an 8' tall chain link fence and will be



occupied by an equipment shelter. The compound will not be utilized for outdoor storage. Notwithstanding, staff recommends the following condition:

- The area being utilized by Marion County Public Safety consists of 6,400 square feet and will be developed as shown on the conceptual plan provided.
- Chain link fencing is to surround the tower compound. The telecommunication tower shall not exceed a maximum height of 250'.

(10) Antenna Compatibility

**Analysis** Public Safety is proposing a Lattice style telecommunication tower.

(11) Signage

**Analysis:** The only signage will be for no-trespassing signs and will have FCC required identification and safety place carding.

(12) Security Fencing

**Analysis:** The Lattice's compound will be enclosed by an 8' tall chain link fence and will be occupied by an equipment shelter

(13) Inventory of Existing Sites

(14) Compliance with current standards and regulations of the FAA, the FCC and any other Federal governmental agency with the authority to regulate towers and antennas

**Analysis:** The location of Public Safety communication facilities are sensitive in nature. Additionally, please see attached FAA determination of No Hazard Mitigation to Air Navigation.

(15) Building Codes and Standards

(16) Provision of parking spaces and provisions for removal of refuse

**Analysis:** The monopole will be unstaffed and will not require water, sewer, or garbage services.

(17) Provision for utilities

**Analysis:** The monopole will be unstaffed and only require power.

(18) Provisions for general compatibility with adjacent properties and other properties in the surrounding area

**Analysis:** As demonstrated within this report, compatibility with the area has been demonstrated.

J. Consistency with the Comprehensive Plan.

1. FLUE Policy 2.1.5: **Permitted & Special Uses** – The county shall identify permitted and special uses for each land use designation and zoning classification, as further defined in the Comprehensive Plan, Zoning, and LDC.

**Analysis:** The proposed special use is consistent with the current Comprehensive Plan. The request to place a telecommunication tower on a R-1 zoned parcel is permitted with a Special Use Permit and is considered an intended area for this type of use as it is not being used residentially. Section 4.3.25 B and Sec 4.3.25 D specifically state that no person shall erect or modify an antenna or an antenna support structure, construct a new tower, or modify an existing tower without first obtaining a SUP pursuant to this section or an administrative permit as set forth herein. Thus, the application is **consistent** with FLUE Policy 2.1.5.

2. FLUE Policy 5.1.3 on Planning and Zoning Commission provides, “The County shall enable applications for CPA, ZC, and SUP requests to be reviewed by the Planning & Zoning Commission, which will act as the County’s Local Planning Agency. The purpose of the advisory board is to make recommendations on CPA, ZC, and SUP requests to the County Commissioners. The County shall implement and maintain standards to allow for a mix of representatives from the community and set standards for the operation and procedures for this advisory board.

**Analysis:** The proposed Public Hearing is scheduled for the February 26, 2024 Planning and Zoning Commission and, therefore, the application is **consistent** with this FLUE Policy 5.1.3.

3. FLUE Policy 5.1.4 on Notice of Hearing provides “The County shall provide notice consistent with Florida Statutes and as further defined in the LDC.”

**Analysis:** Staff finds public notice has been provided as required by the LDC and Florida Statutes and, therefore, concludes the application is being processed consistent with FLUE Policy 5.1.4.

Based on above the findings, staff concludes the SUP is **consistent** with the LDC Section 2.8.2 E conditions to address the requirements imposed.

### **Analysis**

In reaching its decision, the Board shall find that the following exist:

1. **Granting the proposed Special Use Permit will not adversely affect the public interest.** Use of the site for a telecommunication tower will not result in any significant impact on the public. There are no existing tower structures within over two (2) miles of the proposed location. The proposed tower would potentially enhance the ability of the telecommunication provider(s) to provide quick, effective, and efficient services to the nearby communities (Sec 4.3.25 A).
2. **The proposed Special Use Permit request is consistent with the current Comprehensive Plan.** The Marion County 2045 Future Land Use Map indicates that the subject property is “Public Use”, and is zoned R-1. The proposed special use is consistent with the current Comprehensive Plan. The request to place a telecommunication tower on a R-1 parcel is permitted with a Special Use Permit and is considered an intended area for this type of use as it is already being used for a non-residential use.

3. **The proposed Special Use Permit request is compatible with land uses in the surrounding area.** The proposed telecommunications tower location would have sufficient setback distance to existing residential dwellings and could meet all setbacks required by the LDC and would be compatible with land uses in the surrounding area given the proposed location in relation to the surrounding properties.

## VI. ALTERNATIVE ACTION

- A. Enter into the record the Staff Report and all other competent substantial evidence presented at the hearing, adopt the findings and conclusions contained herein, and make a recommendation to the Board of County Commissioners to **DENY** the special use permit amendment.
- B. Enter into the record the Staff Report and all other competent substantial evidence presented at the hearing, and make a recommendation to the Board of County Commissioners to adopt a proposed Ordinance to **APPROVE AS CONDITIONED** the special use permit.
- C. Enter into the record the Staff Report and all other competent substantial evidence presented at the hearing, amend the findings and conclusions contained herein so as to support the approval of the Ordinance with amended conditions, and make a recommendation to the Board of County Commissioners to adopt a proposed Ordinance to **APPROVE WITH AMENDED CONDITIONS** the special use permit.
- D. Enter into the record the Staff Report and all other competent substantial evidence presented at the hearing, identify any additional data and analysis needed to support a recommendation on the proposed Ordinance, and make a recommendation to the Board of County Commissioners to **TABLE** the application for up to two months in order to provide the identified data and analysis needed to make an informed recommendation on the proposed Ordinance.

## VII. STAFF RECOMMENDATION

- A. Staff recommends the Planning and Zoning Commission enter into the record the Staff Report and all other competent substantial evidence presented at the hearing, and make a recommendation to the Board of County Commissioners to adopt a proposed Ordinance to **APPROVE AS CONDITIONED** the special use permit.
- B. To address compliance with LDC Sections 2.8.2.D and 2.8.3.B, the following conditions are imposed:
  - 1) This Special Use Permit is specific to Marion County Public Safety, and the parties involved in the application package. In the event that the current property owner should vacate or divide the property, the special use permit shall terminate. In the event that the tower ownership

changes; or the tower becomes abandoned, the special use permit shall terminate.

- 2) The area being utilized by Marion County Public Safety consists of 6,400 square feet and will be developed as shown on the conceptual plan provided.
- 3) The tower shall be placed as proposed in order to meet the 180' setback from the nearest residentially zoned parcel.
- 4) The tower shall be placed as proposed in order to meet the required minimum setbacks of 150% tower height from Residentially occupied properties not owned by Marion County.
- 5) Abandonment of the communication tower shall follow the requirements set in place in LDC Sec. 4.3.25(H).
- 6) Pending DRC approval, the proposed site plan will comply with any and all buffer requirements as deemed appropriate by County staff.
- 7) Chain link fencing is to surround the tower compound. The telecommunication tower shall not exceed a maximum height of 250'.
- 8) No hazardous/toxic material shall be kept on the site.

#### **VIII. PLANNING AND ZONING COMMISSION RECOMMENDATION**

To be determined

#### **IX. BOARD OF COUNTY COMMISSIONERS ACTION**

To be determined.

#### **X. LIST OF ATTACHMENTS**

- A. SUP application and all supporting materials filed on December 22<sup>nd</sup>, 2023.
- B. Site photographs.
- C. Development Review Committee Comments.
- D. Certified Fall Radius Letter