



**Marion County
Board of County Commissioners**

Growth Services

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**PLANNING & ZONING SECTION
STAFF REPORT**

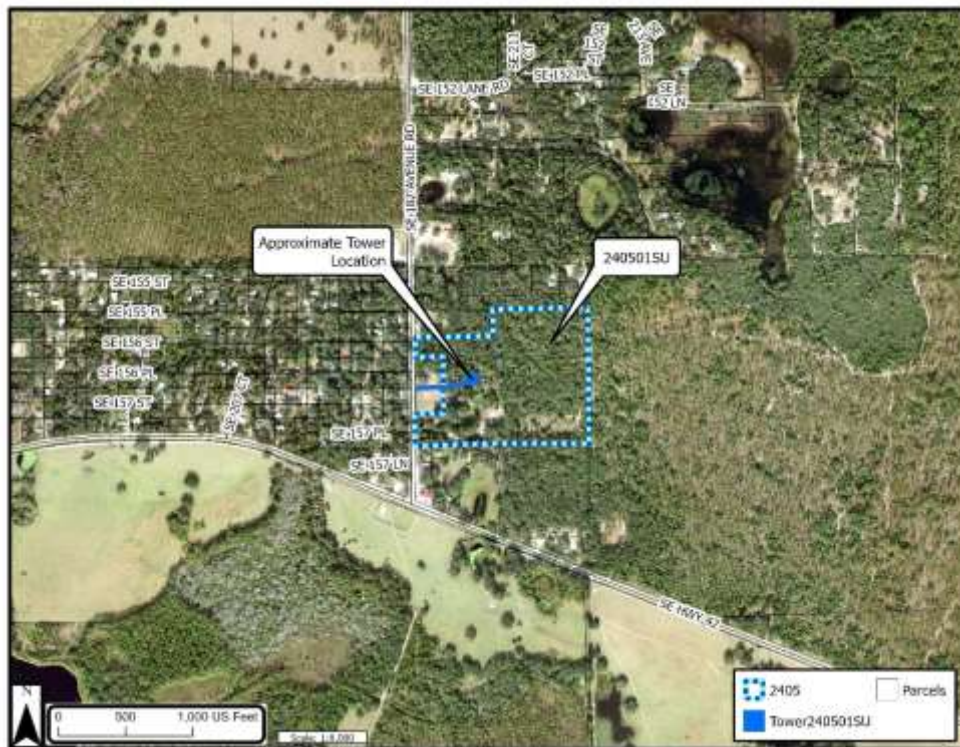
P&ZC Date: 04/29/2024	BCC Date: 05/21/2024
Case Number:	240501SU
CDP-AR:	31162
Type of Case:	Special Use Permit to construct a new 190' monopole style telecommunication tower and support facility.
Owner	Rodney Earl McMullen, Donna Rae McMullen, & Bruce McMullen
Agent	Vertex Development, LLC c/o Alan Ruiz
Street Address	15733 SE 182 nd Avenue RD
Parcel Number	50744-000-00
Property Size	±25.67-acres
Future Land Use	Rural Land (RL)
Zoning Classification	General Agriculture (A-1)
Overlay Zone/Scenic Area	Secondary Springs Protection Overlay Zone
Staff Recommendation	APPROVAL WITH CONDITIONS
P&ZC Recommendation	TBD
Project Planner	Marcus Lloyd, Planner II
Related Case(s)	N/A

I. ITEM SUMMARY

Vertex Development LLC, agents of record for the property owners, have filed a special use permit application to allow for the construction of a 190' monopole style telecommunications tower (Tower) and supporting infrastructure. The parcel is ± 25.67 acres, with a Rural Land (RL) Future Land Use Designation and a zoning classification of General Agriculture (A-1). The proposed tower location is on the western portion of the property where it is heavily treed (See Site Plan, Attachment A Page 16). The parcel ID associated with this property is 50744-000-00, and the Tower's supporting infrastructure consists of a 4,900 square foot compound with additional space for easements related to access or utilities. The property is located inside of the Secondary Springs Protection Overlay Zone, located north of SE HWY 42, and is adjacent to the Ocala National Forest.

Based on the staff analysis in the report below, the Lattice is within Land Development Code (LDC) requirements for 100% height setback from other residentially or agriculturally zoned properties. In addition, the Tower is meeting LDC requirements for distance from residential structures. The tower has a fall radius of 190' and would be completely contained on the subject property in the event of catastrophic failure or collapse.

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 requirements in LDC Sections 2.8.2.D and 2.8.3.B.

III. NOTICE OF PUBLIC HEARING

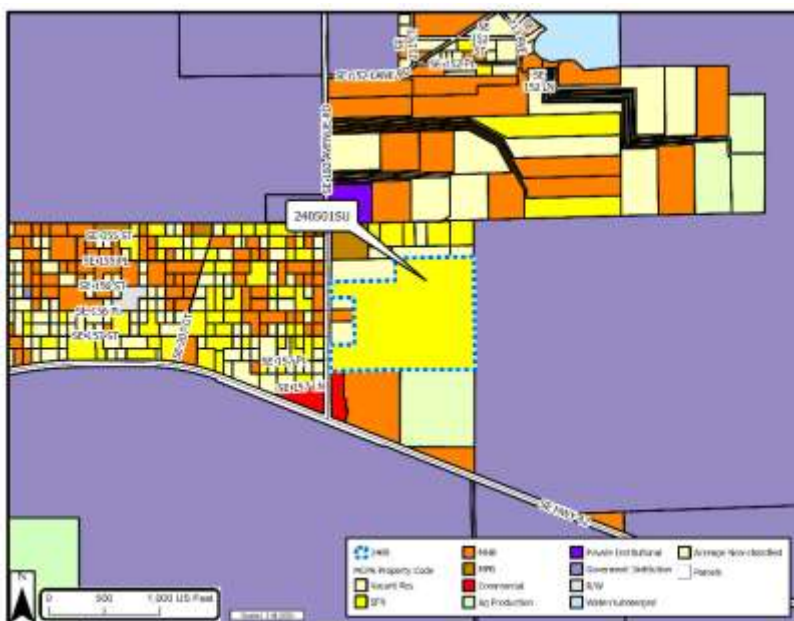
Consistent with LDC Section 2.7.3.C., notice of public hearing was mailed to all property owners (55 owners) within 500 feet of the subject property on April 12th, 2024. Consistent with LDC Section 2.7.3.B., public notice was posted on the subject property on April 9th, 2024, and consistent with LDC Section 2.7.3.E. due public notice was published in the Ocala Star-Banner on April 15th, 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 ±25.67-acres in size and located North of SE HWY 42 and West of the Ocala National Forest. The property is currently vacant. A site visit was made on 4/09/2024. 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 surrounding area is comprised of rural land, agricultural land, and low density residential to the west and has a rural activity center (RAC) land use to the south at the intersection of SE HWY 42; as well as preservation land to the east.

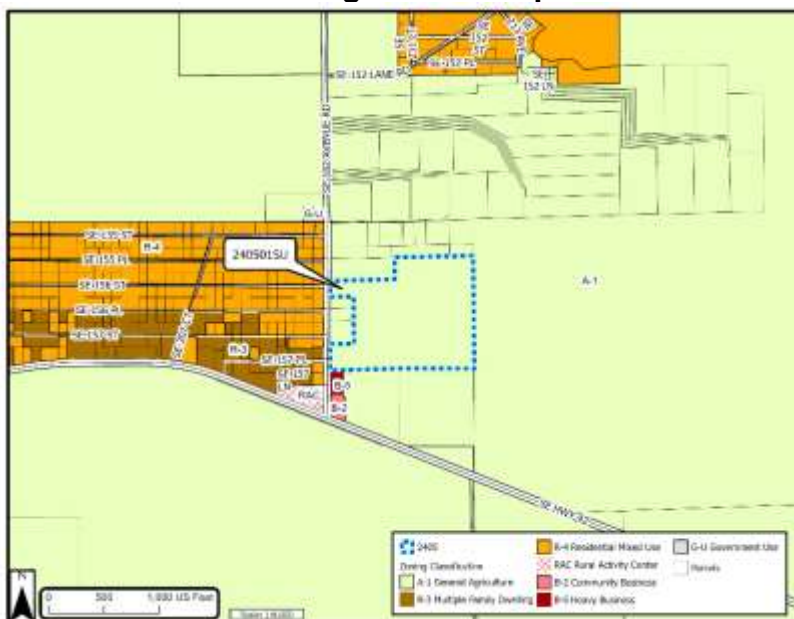
LDC Sec. 4.3.25 states the intent of tower placement is to locate them, to the extent possible, in areas where adverse impacts can be minimized. The proposed location is sufficiently buffered from the roadway, with significant foliage surrounding the proposed location of the tower.

Figure 2
Existing Use Per Marion County Property Appraiser Map



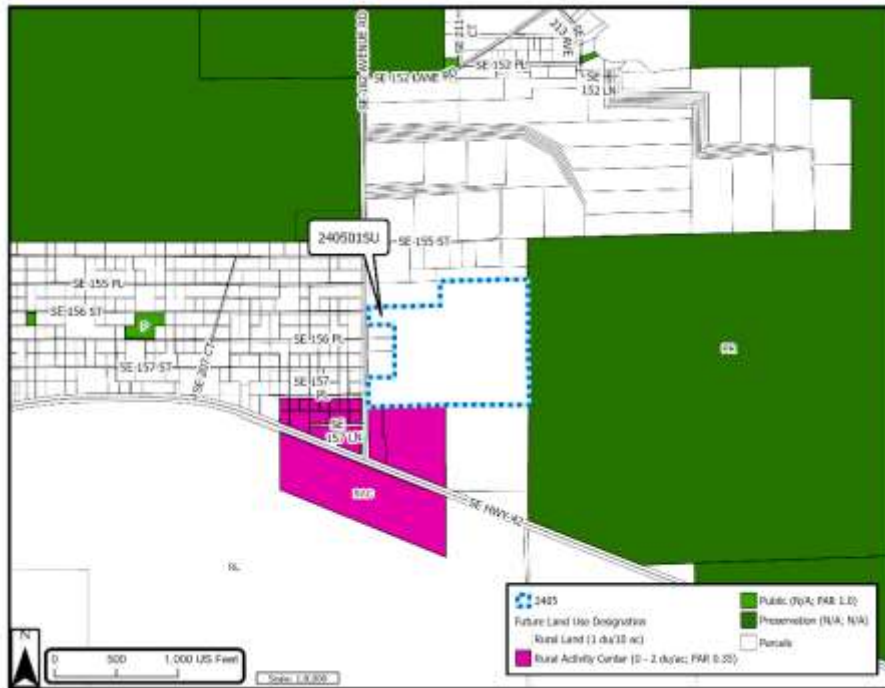
- B. *Zoning district map.* Figure 3 shows the subject property is General Agriculture (A-1) and the properties contiguous are zoned Residential Mixed Use (R-4) and Multiple Family Dwelling (R-3) to the west and is surrounded by General Agriculture (A-1) in all other directions. The intersection is comprised of some commercial, including a small sliver of Rural Activity Center (RAC).

Figure 3
Zoning District Map



C. *FLUMS designation.* Figure 4 shows the FLUMS of the subject property as Rural Land, the same classification is adjacent to the west and north of the subject property. A large parcel of Preservation Land (PR) is located to the immediate east. To the south at the intersection is a node of Rural Activity Center (RAC) designated to meet some of the commercial needs of the residents in the area.

Figure 4
FLUMS Designation



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

ADJACENT PROPERTY CHARACTERISTICS			
Direction of Adjacency	Future Land Use Designation	Zoning	Existing Use/MCPA Property Class
North	Rural Land (RL)	General Agriculture (A-1)	Vacant Residential (00)
South	Rural Activity Center (RAC)	General Agriculture (A-1) Heavy Business (B-5)	Improved Mobile Home (02) & Recreational Non-Classified Acreage (99)
East	Preservation (PR)	General Agriculture (A-1)	Federal Property (88)
West	Rural Land (RL)	Residential Mixed Use (R-4) and Multiple Family Dwelling (R-3)	Improved Mobile Home (02)

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 190' Tower that will serve residential and commercial demand for cell service in the area. The Tower will not be lit at night in accordance with FAA safety regulations. The site plan provided shows the fenced area for this special use will be 4900 sq. ft in size. Staff finds that the application is **consistent** with this section. Notwithstanding, staff recommends the following condition:

- *The Tower will be designed and colored in a non-obtrusive way, reducing daytime visibility while still complying with FAA safety regulations.*

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 Tower is being proposed as there is a future need to meet Verizon coverage standards in the area, as towers within a 3.5 mile radius are soon to reach capacity. Coverage and capacity were taken into consideration as part of the location screening process for this tower. There are not available towers

and/or antenna support structures that can be collocated upon in this area to meet the objectives of the cell provider. 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 Tower and the natural buffering of the subject parcel; 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 a Tower design that will be dull galvanized gray, allowing for visibility to be minimized during the day. The Tower does not need to be lit at night, which is compliant with FAA regulations and standards for towers.

The Tower will be 190' which is the minimum height Verizon needs to meet its Radio Frequency (RF) objectives. The Tower will be located in the center west portion of the property. Access will be from SE 182nd Avenue Road, with a 20' wide gravel access driveway that will lead to the tower compound, with a parking and turnaround area. No traffic will be generated from this project other than routine maintenance once a month. An 8' high chain link fence with a gate is proposed. This project is not proposing any buffering around the compound as this area already has natural buffering which the applicant intends to preserve.

DRC comments from Engineering state no concerns with development (Attachment C). The FAA has determined that the Tower will not prove hazardous to any aircraft navigation in the area (Attachment A Pages 45-46). 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 concept and certified fall radius (Attachment A, page 16) that shows the fall radius of 190' will be isolated inside of the subject parcel. The Lattice will be designed 190' away from any public roads. Based upon the Lattice's height, the required separation for residential dwelling units shall be 285'. At the time of this application, the nearest residence is 301' to the West. (Attachment A, page 16)) Additionally, the Tower and its compound setbacks are as follows:

Required Tower Separation from Agriculturally Zoned Land			
Direction	Required	Provided*	Compliance
North	190'	±326'	Yes
South	190'	±474'	Yes
East	190'	±902'	Yes
West	190'	±220'	Yes

Compound Setback from Parent Property Line			
Direction	Required	Provided*	Compliance
North	25'	±326'	Yes
South	25'	±474'	Yes
East	25'	±902'	Yes
West	25'	±220'	Yes

Analysis: Staff finds that the supporting facilities comply with the code-required General Agricultural (A-1) zoning setbacks. Additionally, the proposed Lattice placement is **compliant** with the 100% tower height setback requirement for Agriculturally-zoned properties, with the nearest dwelling unit to the West at a distance of 301' ft. This dwelling unit would be outside of the certified fall radius provided (Attachment A, page 16). Staff finds that this section meets all of the requirements as defined by the Land Development Code and is thus **consistent**.

Table 4.3-2 Tower Locational Requirements

Required Tower Separation from Residential Dwelling			
Direction	Required	Provided*	Compliance
North	285'	±326	Yes
South	285'	±474'	Yes
East	285'	None	Yes
West	285'	±301'	Yes

Analysis: Staff finds the Lattice complies 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 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 require modification to ensure the Tower is still consistent with the LDC at that time. 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 190' setback from the nearest agriculturally 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.*

(2) Certified fall radius

Analysis: As provided in the site plan (Attachment A, page 16) the Tower will be at least 190' 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 Tower will collapse within the subject parcel. The applicant has provided a site plan (Attachment A, page 16) that states the certified fall radius will be 190' feet.

(3) Locational Requirements Relative to Offsite Uses and Zoning

Analysis: The proposed location is zoned A-1 with a land use of Rural Land (RL). The property is currently vacant, with the surrounding area being used for residential (north and west), Commercial (south) and to the east is the Ocala National Forrest. Visually, the Lattice will be buffered from street level view and serves to fill the gap for service and meet future capacity in the area.

(4) Provisions for Collocation

Analysis: The Tower will be designed to collocate qualified commercial users as the Tower owner deems appropriate

(5) Tower Clustering

Analysis: Not applicable, see finding 4 above.

(6) Landscaping, Screening and Buffers

Analysis: The applicant has requested a landscape buffer waiver from the LDC in this instance to preserve the existing landscape around the Tower compound. Staff supports this request given the existing mature tree canopies on the subject property. Notwithstanding, staff recommends the following condition:

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

(6) Lighting of Tower

Analysis: The Tower does not need to be lit under FAA safety regulations (Attachment A, page 45), but in the event of voluntary lighting 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 steel 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 in a way that will be minimizing daytime visibility. The Tower will not be lit at night in accordance with FAA safety regulations. The Lattice will be 190' monopole style which is the minimum height needed to meet the applicants Radio Frequency objectives in the area. The Tower 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 4,900 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 190'.*
- *No hazardous/toxic material shall be kept on the site.*

(10) Antenna Compatibility

Analysis The applicant is proposing a monopole 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 Tower 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: Vertex Development does not currently own any towers within Marion County. Vertex Development has stated that it will comply with FAA and FCC regulations and standards. (Attachment A Page 10).

(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. One parking space will be provided for routine maintenance by employees.

(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 A-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 April 29th, 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 "Rural Land", and is zoned A-1. The proposed special use is consistent with the current Comprehensive Plan. The request to place a telecommunication tower on a A-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) *The Tower will be designed and colored in a non-obtrusive way, reducing daytime visibility while still complying with FAA safety regulations.*
 - 2) *This Special Use Permit is specific to 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 require modification to ensure the Tower is still consistent with the LDC*

at that time. In the event that the tower ownership changes; or the tower becomes abandoned, the special use permit shall terminate.

- 3) The area being utilized for the Tower compound consists of 4,900 square feet and will be developed as shown on the conceptual plan provided.*
- 4) The tower shall be placed as proposed in order to meet the 190' setback from the nearest agriculturally zoned parcel.*
- 5) The tower shall be placed as proposed in order to meet the required minimum setbacks of 150% tower height from Residentially occupied properties.*
- 6) Abandonment of the communication tower shall follow the requirements set in place in LDC Sec. 4.3.25(H).*
- 7) Pending Board approval, the proposed site plan will comply with any and all buffer requirements as deemed appropriate.*
- 8) Chain link fencing is to surround the tower compound.*
- 9) The telecommunication tower shall not exceed a maximum height of 190'.*
- 10) 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.
- B. Site photographs.
- C. Development Review Committee Comments.