

**SECTION 1119
REGULATIONS GOVERNING TELECOMMUNICATIONS
FACILITIES AND SUPPORT STRUCTURES**



On July 16, 2015, the Jefferson County Commission adopted the following
*SECTION 1119 REGULATIONS GOVERNING TELECOMMUNICATIONS FACILITIES
AND SUPPORT STRUCTURES, and*
SECTION 1805 CONDITIONAL USE PERMIT,
along with related revisions to the Jefferson County Zoning Regulations, and repealed
SECTION 706: U-2 COMMUNICATION TOWER DISTRICT.

The County Commission also adopted the following 2015 calendar for Public Hearings
associated with Administrative Reviews and Conditional Use Permits.

PUBLIC HEARING DATE	APPLICATION DEADLINE
August 13, 2015	July 16, 2015
September 10, 2015	August 13, 2015
October 8, 2015	September 10, 2015
November 5, 2015	October 8, 2015
December 17, 2015	November 19, 2015
January 7, 2016	December 10, 2015
February 4, 2016	January 7, 2016

SECTION 1119
REGULATIONS GOVERNING TELECOMMUNICATIONS
FACILITIES AND SUPPORT STRUCTURES

1119.01 Purpose and Intent. The purpose of this Section, in accordance with the purpose of the Zoning Resolution of Jefferson County to protect the public health, safety and welfare, is to establish minimum locational requirements, siting criteria and development standards for telecommunications facilities and support structures, and to do so in such a way as to be consistent with the Federal Telecommunications Act of 1996, as amended. It is therefore a concurrent purpose of this Section to prevent discrimination between and among the various providers in the telecommunication industry.

As authorized by the Federal Telecommunications Act of 1996, as amended, Jefferson County finds it necessary to enact and enforce these minimum standards and requirements, which are designed to advance Jefferson County's zoning, planning and design standards; and discourage the unnecessary proliferation of telecommunications facilities and support structures.

It is the intent of this Section to encourage and maximize the use of existing and approved (future) towers so that the construction of new telecommunications towers will be an option of last resort. To the extent feasible, co-location of antennas on existing towers, or their attachment to buildings, water towers and other suitable structures, should be sought first. However, where new tower construction is justified as being absolutely necessary, compatible design measures, concealment and screening techniques should be used to minimize any and all detrimental effects to the area in which it is to be located.

1119.02 Definitions. To assist in the understanding and application of the provisions of this Section, the following terms are defined in Article 19 of this Resolution: Administrative Review; Co-location; Concealed Telecommunication Facility; F.A.A.; F.C.C.; Protected Residential Area; Support Structure; Telecommunications Antenna (including types thereof); Telecommunications Facility(ies); Telecommunication Service Provider; Telecommunications Tower (including types thereof); Tower Compound.

1119.03 Approvals Required for Telecommunications Facilities and Support Structures.

a. Administrative Review – Tier I. The following may be permitted by administrative review and approval by the Jefferson County Commission in accordance with the standards set forth in this Ordinance:

- 1.** Monopole Telecommunications Towers one-hundred-eighty feet (180') or less in height may be permitted in all zoning districts other than those classified as a Protected Residential Area;

2. Monopole Telecommunications Towers one-hundred-twenty feet (120') or less in height may be permitted in all zoning districts;
- b. Administrative Review – Tier II.** The following may be permitted by administrative review and approval by the Director of Land Planning & Development Services in accordance with the standards set forth in this Ordinance:
1. Telecommunications antennas and related necessary facilities locating or co-locating on any pre-existing, properly permitted telecommunications tower;
 2. Concealed Telecommunications Facilities;
 3. Temporary telecommunication towers upon a declaration of emergency by federal, state or local government for the purpose of providing temporary service in place of a damaged tower;
 4. Temporary mobile telecommunication towers up to sixty feet (60') in height for a special event; and
 5. Replacement of existing telecommunications facilities and support structures.
- c. Conditional Use Permit.** Telecommunications facilities and support structures not permitted by administrative review may be permitted in all zoning districts other than those classified as a Protected Residential Area upon the granting of a Conditional Use Permit from the Jefferson County Commission in accordance with the standards set forth in this Ordinance.
- d. Application and Justification.** Unless otherwise specified herein, all telecommunications facilities and support structures shall comply with Section 1119.07 Application and Justification.
- e. Exemptions.** The following wireless telecommunication facilities shall be exempt from the requirements of this Section, except as noted:
1. Amateur radio antennas and receive-only antennas that are no more than 50 feet in height, and satellite earth station antennas two meters or less in diameter, shall be exempt as provided for in the Federal Telecommunications Act of 1996 when no supportive tower is to be constructed;
 2. Accessory facilities used exclusively for dispatch telecommunications by public emergency agencies or government agencies;
 3. Accessory facilities used exclusively for dispatch telecommunications by private entities, provided such facilities do not exceed fifteen (15) feet in height above the rooftop of the building to which said facilities are accessory; and

4. Telecommunications towers, antennas and related necessary facilities used exclusively for internal telecommunications by public utilities, provided that:
 - a) Such facilities are subordinate and incidental to approved non-residential uses or structures on the same parcel;
 - b) Such facilities do not exceed twenty (20) feet in height above a structure or building when mounted thereto, or sixty (60) feet in height when ground-mounted; and,
 - c) Towers, poles or other support structures do not exceed thirteen (13) inches in diameter.

Determination of exemption of any such facilities exceeding the foregoing dimensions shall be made only after administrative review by the Director of Land Planning & Development Services.

f. Site Development Plan Approval Required.

1. Any telecommunication facility proposal which involves development of a new site, expansion of an existing tower compound, or new or revised ingress/egress shall submit engineered site development plans for review and approval in compliance with Article 3 of the Jefferson County Subdivision and Construction Regulations.
2. Any telecommunication facility proposal for a co-location, concealed telecommunication facility, or replacement of existing facilities that does not involve expansion of an existing tower compound, or new or revised ingress/egress shall submit the following information for administrative review:
 - a) *Zoning Approval* Application form;
 - b) Site Development Plans (2 sets) prepared by a registered engineer, drawn to a standard engineering scale and comprised of:
 - 1) Cover sheet with project name, number, location (address, section, township and range, and latitude/longitude), telecommunication tower owner, telecommunication service provider and consultant contact information;
 - 2) Site Layout Plan showing zoning district/lease area boundaries, compound enclosure, existing and proposed improvements; and
 - 3) Compound and Support Structure Elevation(s) showing equipment of all providers, existing and proposed, with mounting heights indicated.
 - c) Certification of Adequate Structural Capacity prepared by a registered engineer; and

d) Listing of all providers currently located on the tower.

- g. Zoning Approval Required.** All telecommunications facilities, including those otherwise exempted herein, shall obtain all Zoning Approvals and building permits in compliance with Section 1801 of the Jefferson County Zoning Regulations.

1119.04 Telecommunications Facilities and Support Structures Permitted by Administrative Review and Approval.

- a.** Telecommunications antennas and related necessary facilities locating or co-locating on any pre-existing, properly permitted telecommunications tower are permitted in all zoning districts, provided that:
1. No significant visible structural alterations to the existing tower will be necessary; and if structural strengthening is necessary to accommodate co-location, the tower type as referenced in Section 1119.02 shall remain the same as previously permitted;
 2. There will be no increase in the total height or lighting of the facility, including the tower, antennas and all other associated facilities except as otherwise allowed by federal or state laws; and
 3. All setback and buffer requirements applicable to the existing tower at the time its permit was issued can and will be complied with.
 4. Telecommunications facilities under this sub-item shall be exempt from Section 1119.07 Application and Justification.
- b.** Concealed Telecommunications Facilities are permitted in all zoning districts as an accessory use, provided that:
1. The concealed telecommunications facilities shall be subordinate and incidental to approved uses or structures (e.g., buildings, water towers, etc.) on the same parcel;
 2. Antennas and associated equipment shall not extend more than ten feet (10') above the height of the structure;
 3. Antennas and associated equipment shall be of a color and finish to blend in with the structure, screened, or otherwise obscured so as to not be readily apparent to the casual observer; and
 4. Antennas and associated equipment shall not be lighted.
 5. Telecommunications facilities under this sub-item shall be exempt from Section 1119.07 Application and Justification.

- c. Monopole Telecommunications Towers one-hundred-eighty feet (180') or less in height may be permitted in all zoning districts other than those classified as a Protected Residential Area.

- 1. Area and Dimensional requirements.

- a) Tower setbacks from properties not classified as Protected Residential Areas shall be the greater of the zoning district yard setback or twenty-five percent (25%) of the tower height;
 - b) Tower setbacks from properties classified as a Protected Residential Area shall be a minimum of fifty (50') feet plus five feet (5') for every one-foot (1') of tower height in excess of one-hundred-twenty feet (120');
 - c) In no event shall a tower be closer to a residential structure under separate ownership than one-hundred-ten percent (110%) of the height of said tower;
 - d) Tower compounds shall be setback a sufficient distance to accommodate any required landscape buffering, but in no event shall a tower compound be closer than fifteen feet (15') to an adjoining property line; and
 - e) On a lot where a principal building is present, no tower compound shall be permitted between the front of the principal building(s) and a street.

- 2. No lighting shall be allowed on towers.

- d. Monopole Telecommunications Towers one-hundred-twenty feet (120') or less in height may be permitted in all zoning districts.

- 1. Area and Dimensional requirements.

- a) Tower setbacks from properties not classified as Protected Residential Areas shall be the greater of the zoning district yard setback or twenty-five percent (25%) of the tower height;
 - b) Tower setbacks from properties classified as a Protected Residential Area shall be a minimum of fifty (50');
 - c) In no event shall a tower be closer to a residential structure under separate ownership than one-hundred-ten percent (110%) of the height of said tower;
 - d) Tower compounds shall be setback a sufficient distance to accommodate any required landscape buffering, but in no event shall a tower compound be closer than fifteen feet (15') to an adjoining property line; and
 - e) On a lot where a principal building is present, no tower compound shall be permitted between the front of the principal building(s) and a street.

2. No lighting shall be allowed on towers.
- e. Temporary telecommunication towers upon a declaration of emergency by federal, state or local government for the purpose of providing temporary service in place of a damaged tower.
 1. Applicant shall submit sufficient documentation of need for administrative review and approval by the Director of Land Planning & Development Services.
 2. Approvals may be granted for up to one-hundred-twenty (120) days and may be renewed for additional terms subject to the review and approval of the Director of Land Planning and Development Services.
 3. Telecommunications facilities under this sub-item shall be exempt from Section 1119.07 Application and Justification.
 - f. Temporary mobile telecommunication towers up to sixty feet (60') in height for a special event.
 1. Applicant shall submit sufficient documentation of need for administrative review and approval by the Director of Land Planning & Development Services.
 2. Approvals may be granted for up three (3) days prior to and three (3) days after the special event; not to exceed fifteen (15) days.
 3. Telecommunications facilities under this sub-item shall be exempt from Section 1119.07 Application and Justification.
 - g. Replacement and upgrading of existing telecommunications facilities and support structures.
 1. Replacement and/or upgrading of existing telecommunications facilities and support structure does not result in significant visible structural alterations to/from the existing tower except as otherwise allowed by federal or state laws.
 2. All setback and buffer requirements applicable to the existing tower at the time its permit was issued can and will be complied with.
 3. Telecommunications facilities under this sub-item shall be exempt from Section 1119.07 Application and Justification.

1119.05 Telecommunications Facilities and Support Structures Permitted by Conditional Use Permit.

- a. Telecommunications facilities and support structures not permitted by administrative review may be permitted in all zoning districts other than those

classified as a Protected Residential Area upon the granting of a Conditional Use Permit from the Jefferson County Commission in accordance with the standards set forth in Section 1805, Conditional Use Permit.

b. Area and Dimensional Requirements.

1. Tower setbacks from properties not classified as Protected Residential Areas shall be the greater of the zoning district yard setback or twenty-five percent (25%) of the tower height;
2. Tower setbacks from properties classified as a Protected Residential Area shall be a minimum of fifty feet (50') plus five feet (5') for every one-foot (1') of tower height in excess of one-hundred-twenty feet (120');
3. In no event shall a tower be closer to a residential structure under separate ownership than two-hundred percent (200%) of the height of said tower;
4. Tower compounds shall be setback a sufficient distance to accommodate any required landscape buffering, but in no event shall a tower compound be closer than fifteen feet (15') to an adjoining property line; and
5. On a lot where a principal building is present, no tower compound shall be permitted between the front of the principal building(s) and a street.

1119.06 General Standards and Design Requirements.

- a. Lighting Restrictions.** There shall be no lighting on any telecommunications towers except when required by the F.A.A. In cases where the F.A.A. does require a tower to be lighted, only red blinking lights shall be used at night; white strobe lights will not be permitted for nighttime lighting. Written documentation of any F.A.A. directives to light a tower differently than provided herein must be submitted with the zoning application.

Any security lighting used at the facility shall be of a low-intensity nature, and shall not be directed or reflected away from/off of the site. Such lighting shall be restricted to two-thousand-seven-hundred (2700) lumens.

- b. Maximum Height.** No telecommunications tower shall exceed a maximum height of three hundred (300) feet.
- c. Co-Location Requirements.** All telecommunications towers constructed subsequent to the adoption of this Section, and their associated compounds, shall be designed and built to accommodate additional telecommunication service providers based on the height of the tower as follows:
1. Telecommunications towers sixty (60) to one-hundred (100) feet in height shall accommodate a minimum of two (2) telecommunication providers;

2. Telecommunications towers one-hundred-one (101) to one-hundred-fifty (150) feet in height shall accommodate a minimum of three (3) telecommunication providers; and
 3. Telecommunications towers greater than one-hundred-fifty (150) feet in height shall accommodate a minimum of four (4) telecommunication providers.
- d. **Maximum Utilization of Existing Sites.** No new telecommunications tower shall be constructed if, in the determination of the County Commission, space is structurally, technically and economically available for the proposed telecommunications antenna(s) and related facilities on an existing tower, or on an alternative site (e.g., building or other structure), where such alternative location would cover the required service area without creating undue signal interference.
 - e. **Permission to Co-Locate Required.** Pursuant to Items (c) and (d) above, and to the stated purpose and intent of this Section, the owner of any existing telecommunications tower that has space structurally and technically available for any additional telecommunications antennas shall make such space reasonably and economically available to other providers.
 - f. **Visual Impact.** All new telecommunication towers, antennas and tower compounds shall be designed to minimize adverse visual impacts to surrounding properties and the public right-of-way through the use of such design techniques as colors, finishes, landscaping, concealment and/or other similar techniques, consistent with the unique characteristics of the tower site and the surrounding area.
 - g. **Use Compatibility and Design Harmony.** All new telecommunications tower facilities must be compatible with the surrounding land uses, given the character of the use(s) and development trends in the area around the tower site. Said tower facilities shall be designed, both structurally and with regard to finish or color, to be as much in harmony as possible with the natural setting of the site and/or the surrounding development pattern, as well as being up to the highest industry standards.
 - h. **Safety.** All telecommunications towers must comply with wind loading and all other applicable structural safety standards, building and technical codes having jurisdiction, so as not to endanger the health and safety of residents, employees or travelers in the event of structural failure of the tower due to extreme weather conditions or other acts of God.
 - i. **Security.** A security fence shall be installed around the perimeter of the compound, with a minimum height of eight (8) feet as measured to the top of the fence (or barbed wire, if applicable).
 - j. **Maintenance.** The owner of a telecommunications tower shall be responsible for maintaining the structural integrity, safety, appearance, screening, buffers, security and other installations required by this Section, and by any other

applicable codes, ordinances, regulations, statutes or conditions of approval imposed by Jefferson County or its authorized representative, in perpetuity for as long as said tower remains on a site.

- k. Abandoned Facilities.** Any telecommunications facility that ceases to be used for its original telecommunications purpose shall be removed at the owner's expense. The owner of the facility shall provide the Director of Land Planning & Development Services with a copy of the notice to the F.C.C. of the intent to cease operations, and shall have ninety (90) days from the date of such ceasing to remove the obsolete tower and all accessory structures, and to restore the site to its natural condition.
- l. Violations.** Any violation or other failure to comply with any provision of this Section shall subject the violator to the fullest extent of the Remedies and Penalties for Violation as set forth in Article 18, Section 1801.04 of this Resolution.

1119.07 Application and Justification. Sufficient justification must be submitted for the siting of all new telecommunication towers and expansion of existing telecommunication towers in Jefferson County except as otherwise exempted by federal or state laws. Determination as to the adequacy of the justification for any new tower will be made as a routine part of the Conditional Use Permit and/or Administrative Review process, and shall be based upon – along with the other standard land use considerations of appropriateness – the review and evaluation of the application for construction of a new telecommunication tower and expansion of an existing telecommunication tower. The following information and materials shall accordingly be considered the minimum application requirements when seeking approval for construction of a new telecommunication tower or expansion of an existing telecommunication tower:

- a.** A detailed site plan showing, at minimum, the following:
 - 1.** The layout of the facility, including the location and dimensions of all improvements, setbacks, accesses, security installations (including fencing), etc.;
 - 2.** A description and drawing of the visual aspects of the proposed facility; the need for additional displays, such as a balloon test and photo simulations, will be determined on a case-by-case basis;
 - 3.** A buffer plan showing the nature of the setback space, both as it presently exists and as it will be after installation of the proposed facility; how it will address the requirements of Sections 1119.06(f), Visual Impact, and 1119.06(g), Use Compatibility and Design Harmony; and the provisions that will be made for the ongoing maintenance of such space;
 - 4.** A scaled elevation diagram of the facility showing the type, height, finish, lighting, site improvements and other such details as necessary to convey an image of the facility at the proposed location; and,

5. Any additional information as may be deemed necessary and required by the reviewing authority in order to conduct a proper evaluation of the proposed facility within the context of the purpose and intent of this Section.
- b. A study prepared by a radio frequency specialist that includes a mapped coverage analysis of the proposed facility, and its relationship to the next nearest adjacent “cells”, existing towers, alternative sites and available support structures (e.g., buildings, billboards, water towers, etc., which could be used for support in lieu of a new tower) that were considered within a 2-mile radius of the proposed location.
 - c. An inventory and analysis of all existing telecommunications towers and support structure sites within two (2) miles of the proposed location. This inventory must include the following information:
 1. The location (address, section, township and range, and latitude/longitude) and ownership of the telecommunications tower;
 2. Type and height of towers or structures; and,
 - d. Written documentation justifying the need for a new telecommunications tower site to be located on the proposed site. This documentation must address, at a minimum, how the proposed tower is justified in relation to the following points:
 1. A list, description and map of the potential co-location, non-residential use or alternative location sites that are located within a 2-mile radius of the proposed site;
 2. Documentation that requests for co-location have been made at least thirty (30) days prior to the filing of application;
 3. A detailed explanation of why each such site was not technologically, legally or economically feasible, or why such efforts were otherwise unsuccessful;
 4. An analysis of how and why the proposed site is essential to meet service demands for the geographic service area and the County-wide network; and
 5. An analysis of why the height of the proposed telecommunications tower is essential to meet service demands for the geographic service area and the County-wide network. The ability to accommodate additional providers (co-location) shall not serve as justification for tower heights in excess of that required by the initial telecommunication service provider to meet service demands.
 - e. Registration of the name, address and telephone number of the officer, agent or employee who shall be authorized by the telecommunications service provider (who will be operating the telecommunication facility in question) as the single point of contact and party responsible for the accuracy of all information and

certifications submitted, and for said provider's on-going compliance with all of the provisions of this Section (and any other applicable codes or regulations).

Additionally, should the telecommunications tower be owned by an entity other than the telecommunications services provider, the name of the tower owner, address and telephone number of the officer, agent or employee who shall be authorized by the tower owner as the single point of contact and party responsible for the accuracy of all information and certifications submitted, and for said owner's on-going compliance with all of the provisions of this Section (and any other applicable codes or regulations).

It shall further be the responsibility of the telecommunications tower owner and telecommunications services provider so named on the registration form to ensure that the identity, legal status, address and phone number of the responsible party registered with Jefferson County is complete, current and totally accurate at all times, unless and until the provider/owner submits notice of its intent to cease operation of the facility in question as set forth in Section 1119.06(k).

- f. Certification letter that the proposed telecommunications tower is structurally and technically designed and capable, and will be so constructed to meet the co-location requirements set forth in Section 1119.06(c) .
- g. A fee of five hundred dollars (\$500.00) to cover additional review costs incurred by reviewing the materials submitted with each application as required herein. This fee shall be in addition to any and all other fees for processing Conditional Use Permit requests as set forth in this Resolution and any other permitting and review fees that may be required by separate ordinance.

1119.08 Repeal Of Existing Regulations. All ordinances and regulations, or parts of ordinances and regulations, in conflict with this Section shall be repealed upon adoption of this Section. Any previous resolution(s) referring to and/or authorizing such administration and regulation as provided for in this Section, prior to as if in place of this Section - specifically, but not necessarily limited to Section 706, U-2 Telecommunication Tower District, of the Zoning Resolution of Jefferson County, Alabama - are also hereby repealed.

END SECTION 1119

SECTION 1803
SCHEDULE OF FEES

Section 1803 – SCHEDULE OF FEES shall be amended to include the following language:

1803.10 Conditional Use Permit Application. A fee of two-hundred dollars (\$200.00) shall be charged.

END REVISIONS TO SECTION 1803

SECTION 1805
CONDITIONAL USE PERMIT

As provided for by this Ordinance, there exist certain uses that, because of special requirements or characteristics, may be allowed in a particular zoning district only after review by the Jefferson County Commission and the granting of a Conditional Use Permit imposing such conditions as necessary to make the use compatible with other existing or permitted uses surrounding the site. The Jefferson County Commission shall act in accordance with the procedure stated in this Section. It shall further be provided that, for the purpose of this Section, any use of the word “petition” shall include the word “application”, and any use of the word “application” shall include the word “petition”.

1805.01 Petition for a Conditional Use Permit. Petitions for a Conditional Use Permit may be initiated only upon filing of an application with the Jefferson County Commission. Such application may be filed by:

- a. The owner of the parcel or parcels of land that is the subject of the proposed amendment; or
- b. The authorized agent of such owner, in which case a notarized letter of agent authorization is required.

1805.02 Application for a Conditional Use Permit. An application for a Conditional Use Permit must be filed in the Department of Land Planning & Development Services, and shall be scheduled for public hearing by the Jefferson County Commission in accordance with the hearing and application deadline dates adopted by resolution of the Jefferson County Commission. The application itself shall, at a minimum, include the following:

- a. A statement as to the nature of the proposed amendment;
- b. Descriptive information as to how the petitioner proposes to utilize the parcel of land (plot plan, drawings, sketches, etc.);
- c. A parcel identification number and legal description of the property, or portion thereof, involved;
- d. The name and address of the owner(s) of the property; and,
- e. A notarized letter of agent authorization, when required.

1805.03 Public Hearing Required. The Jefferson County Commission shall take no action on any Conditional Use Permit until it shall first have held a public hearing thereon. The Jefferson County Commission shall hold its hearing for a Conditional Use Permit at the first scheduled hearing following proper submission of a formal application for same in the Department of Land Planning & Development Services, in accordance with the hearing and application deadline dates adopted by resolution of the Jefferson County Commission.

1805.04 Notice Of Public Hearing. No Conditional Use Permits shall become effective until after an advertised public hearing is held in relation thereto, at which time both the parties to the application and citizens in interest shall have an opportunity to be heard. At least seven (7) days' notice of the time and place of such public hearing shall be given in a newspaper of general circulation in Jefferson County, Alabama; and at least fifteen (15) days written notice shall be given to all owners of property (as shown by the records of the Tax Assessor of Jefferson County) located, in whole or in part, within five hundred (500) feet or any required setbacks, whichever is greater, of the boundaries of the parcel(s) or property to be considered for a Conditional Use Permit.

1805.05 Action on Petitions. No Conditional Use Permit shall become effective unless it has been submitted to the Jefferson County Commission for approval. The Jefferson County Commission shall consider a petition for a Conditional Use Permit at the first scheduled hearing following proper filing of the application for same as set forth hereinabove.

- a. The Jefferson County Commission shall have up to seventy-five (75) days after that public hearing in which to render a decision. Failure of the Jefferson County Commission to render a decision within the prescribed time shall constitute approval of the Conditional Use Permit.
- b. The Jefferson County Commission's action shall take one of the following forms:
 1. **Approval.** Approval by the Jefferson County Commission shall constitute said Commission's finding that the proposed use satisfies the criteria for the issuance of a Conditional Use Permit.
 2. **Conditional Approval.** If a reviewing department, agency or authority determines that there are one or more technical deficiencies on a given application, but that (1) those defects are not anything that should prevent the Commission from approving, as submitted, the Conditional Use Permit; and (2) any revisions that may subsequently be required would not necessitate a substantial change to the nature of said Conditional Use; then that department shall state such in its report to Land Planning & Development Services. The Jefferson County Commission may then approve the Conditional Use Permit – assuming it is also found to be satisfactory in all other respects within the Commission's review authority – with the understanding that all such technical deficiencies will be corrected before the aforementioned department, agency or authority will certify its respective approval.
 3. **Denial.** The grounds for denial of any Conditional Use Permit shall be stated upon the records of the Jefferson County Commission.
 4. **Continuance.** The Jefferson County Commission may request that an applicant allow the case to be “carried over” to a subsequent meeting in order to allow the Commission to conduct further study of the proposal; to allow one or more reviewing department or authority additional time to study the proposal; or to allow the applicant the opportunity to correct deficiencies or make changes to the proposal without having to file a new case. A case may

also be carried over at the applicant's request, subject to agreement by the Jefferson County Commission.

In the event that a reviewing department has requested additional time to review an application, or the Jefferson County Commission believes it to be in the best interest of the general public or the applicant to carry over the case for specific reasons, the President shall ask the applicant to agree to a continuance. If the applicant consents to such continuance, the case will be carried over to the next scheduled hearing date (unless another date is specifically stated at that time). Land Planning & Development Services shall subsequently notify the applicant in writing as to purpose of the continuation, and any additional requirements or issues that the Commission has requested be addressed prior to that next hearing.

However, the applicant must consent to any extension of the prescribed time period for the Commission's rendering of a decision on an application. If the applicant does not consent to allowing the case to be carried over, the Jefferson County Commission shall vote to either approve or deny the application. If the Commission determines that it cannot, in good conscience, approve the application as submitted; or, if the Commission believes there exists issues that will prevent any other reviewing authority from approving the application as submitted; the Commission will be compelled, in the best interest of the citizens of Jefferson County, to deny the request – thereby necessitating full re-application before any further consideration can be given to the proposal in question.

1805.06 Time Limit. After the Jefferson County Commission has denied an application for a Conditional Use Permit, another application for the same kind of Conditional Use Permit of the same tract or parcel or land will not be considered until a period of one (1) year has elapsed from the date of such action by the Commission. Furthermore, a withdrawal of any application for a Conditional Use Permit after a hearing has been held by the Jefferson County Commission, shall also require a one (1) year period of time before another application of the same nature may be submitted.

However, the Jefferson County Commission may adjust the time period set forth herein if, in the opinion of a majority of said Commission, either an unusual situation exists, or there has been a substantial change in the circumstances surrounding the application or the property which would warrant another hearing prior to the conclusion of the specified one year.

END SECTION 1805

ARTICLE 19 DEFINITIONS

ARTICLE 19 – DEFINITIONS shall be amended as follows:

Add:

Administrative Review: Review of an application by the designated reviewing authority, for a development permit based on documents, materials and reports, with no testimony or submission of evidence as would be allowed at a required public hearing. This process is not subject to a public hearing.

Add:

Co-location: The act of siting Telecommunications Facilities on an existing Telecommunications Tower.

Add:

Concealed Telecommunication Facility: A Telecommunications Facility that is integrated as an architectural feature of an existing structure so that the purpose of the facility for providing wireless services is not readily apparent to a casual observer.

Revise definition to read:

Protected Residential Area: Parcels of land with a residential zoning classification as listed in Article 6, regardless of current use, and as determined by the Director of Land Planning and Development Services those communities where the preponderance of land is currently in residential use and one (1) acre or less in area, regardless of current zoning classification.

Revise definition to read:

Support Structure: A structure designed for the specific purpose of accommodating telecommunications facilities or other structures modified to accommodate telecommunications facilities as a secondary use.

Add:

Telecommunications Antenna: A device used to transmit and/or receive wireless communication services as authorized by the Federal Communications Commission, including all mounts and supporting structures other than supporting communications towers as defined herein. Communications antennas shall include:

- a. **Microwave dish:** Parabolic antennas that emit microwave signals.
- b. **Panel antenna:** Vertical and horizontal plane antennas that aim radio signals in specific directions. (Also referred to as sector antennas.)
- c. **Whip antenna:** Cylindrical antennas which emit radio signals in a 360-degree horizontal plane and a compressed vertical plane. (Also referred to as stick, omni-directional or pipe antennas.)

Add:

Telecommunications Facility(ies): Any unmanned facility established for the purpose of providing wireless transmission of voice, data, images or other information including, but not limited to, cellular telephone service, personal communications service (PCS), and paging service. A Telecommunication Facility can consist of one or more antennas and all buildings, structures, fixtures or other accessories (such as electrical boxes, equipment sheds, guy wires, etc.) associated with such use.

Add:

Telecommunications Service Provider: Any private company, corporation or similar such entity providing wireless transmission of voice, data, images or other information including, but not limited to, cellular telephone service, personal communications service (PCS), and paging service.

Add:

Telecommunications Tower: Any ground-mounted structure that is designed and constructed primarily for the purpose of supporting one or more communications antennas. Communications towers shall include:

- a. **Monopole towers:** Cylindrical self-supporting towers constructed as a single spire.
- b. **Self-Supporting or Lattice towers:** Self-supporting towers with multiple sides of open-framed supports.
- c. **Guyed towers:** Towers anchored with guy wires.

Add:

Tower Compound: The security fence and area enclosed therein associated with a telecommunications facility.

Delete the following terms from DEFINITIONS:

Communications Antenna
Communications Tower
Wireless Communication

END REVISIONS TO ARTICLE 9 - DEFINITIONS