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16. Communications Towers. Communications towers are allowed as Conditional uses in the BF Rural Suburbs, BF Master Planned Community, BF Rural Activity Center, BF Community Center, and BF Activity Center districts, within 200 feet of residentially zoned property, if they meet the provisions of Section 20.3-46 of the Land Development Regulations, except that those provisions related to setbacks from residential districts shall not apply, along with the following conditions:

- a. Documentation from a Professional Engineer (P.E.) experienced in the area of radio frequency demonstrating that the tower location is necessary for adequate area coverage and that such coverage carrier's designed service cannot be achieved by placing towers in commercial land use and zoning districts;
- b. Documentation from a Professional Engineer (P.E.) experienced in the area of radio frequency sets the maximum height at no more than that needed for adequate area coverage needed for the carrier's designed service;
- c. Documentation a Professional Engineer (P.E.) experienced in the area of radio frequency that a bona fide need exists for the facility and that no reasonable combination of sites, heights, or designs will achieve the carrier's designed service.
- d. The applicant must further prove that it has made all reasonable efforts to procure antenna space on existing facilities, or and that space is not reasonably available on the structure, or the structure cannot reasonably support the antenna facilities, or that the cost of co-location exceeds the cost of a new facility by at least fifty percent. Prior to the issuance of a permit for a new tower in excess of 100 feet in height, the applicant shall demonstrate commitment to joint use as follows.
  - i. The applicant requesting the permit shall submit evidence to the County demonstrating that a genuine effort has been made to solicit additional users for the proposed new tower. Evidence of this shall include, at a minimum, copies of notices sent by registered mail, return receipt requested, to all other providers of cellular and wireless communications services within Clay County and adjacent counties, advising of the intent to construct a

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- new tower, identifying the location, inviting the joint use and sharing of costs, and requesting a written response within fifteen business days.
- ii. The applicant shall sign an instrument, maintained by the County, agreeing to encourage and promote the joint use of telecommunications towers within the County and, to that extent, committing that there shall be no unreasonable act or omission that would have the effect of excluding, obstructing or delaying joint use of any tower where fair and just market reasonable compensation is offered for such use.
  - e. Towers must be buffered from adjoining residentially zoned areas by an average 50 foot buffer between the tower and the adjoining residentially zoned parcel(s). The buffer area shall contain screening from a combination of existing or planted evergreen shade trees, understory trees, and shrubs that provide at least 85% opacity within two years of planting.
  - f. Non-camouflaged towers located within 100 feet of roads shall be placed along relatively straight roads or on the inside of a curve, as opposed to along the outside of a curve where they are more apparent to motorists within a view corridor.
  - g. A tower in excess of 100 feet in height shall be designed to accommodate antennas for at least two separate providers.
  - h. Tower height is limited to 130 feet.
  - i. Camouflaged towers are allowed, meaning a tower that is designed to hide, obscure or conceal the presence of antennas and the tower. Examples include, but are not limited to, clock towers, bell towers, church steeples, utility poles, flag poles, light poles, tree towers, and water towers. Camouflaged towers may exceed the 130 foot height limit, up to a maximum height of 189 feet, so long as the proposed tower is architecturally and aesthetically compatible with the surrounding community.

## ***II. RESIDENTIAL LAND USES***