

593

ORDINANCE NUMBER 03-05

INTERIM APPLICATION PROCESS

WHEREAS, by the enactment of the Telecommunications Act of 1996, there is anticipated substantial growth in the erection of wireless telecommunications facilities; and

WHEREAS, there has been discussion concerning the construction of such facilities within Liberty County, Florida; and

WHEREAS, there are significant shortcomings with respect to Liberty County's current law; and

WHEREAS, Liberty County wishes to implement, revise or replace a law to more effectively protect the health, safety and welfare of the community, and to remove or change certain sections pursuant to recent case law to assure the orderly development of wireless technology in the community, including but not limited to the development of procedures governing the filing of an application, and for reviewing and analyzing an application, and for granting a permit to construct and use wireless telecommunications facilities or other tall structures for the purpose of providing wireless communications services; and

WHEREAS, a reasonable time for Liberty County to complete its aforementioned review, and for the County to enact any required legislation resulting therefrom is deemed to be three (3) months from the date such local law enacting said interim application process is filed with the office of the Secretary of State; and

WHEREAS, this interim application process is not meant to be prohibitive or exclusionary in nature, during the interim application process, applications for a building permit, special use permit or site plan approval, or use variance or other necessary County approval for a monopole, lattice tower or other telecommunications antennae installations, including, but not limited to cellular antennae installations, shall be accepted and processed by the County. However, in accepting an application during the period of this interim application process any application must be accompanied by payment of \$8,500.00 to be placed in an escrow account for consulting costs to assist the County in evaluating the application, and further, if a permit is issued it will be issued pursuant to any changes in the Liberty County Land Development Code.

THEREFORE IT IS ENACTED by the Board of County Commissioners of Liberty County, Florida, that:

Section 1. A three (3) month interim application process.

There is hereby enacted a three (3) month interim application process on the issuance

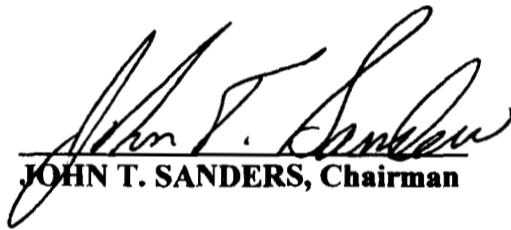
594

of permits by the County of on applications for the construction of wireless telecommunications facilities and related facilities.

Section 2. Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State.

ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF LIBERTY COUNTY, FLORIDA, ON THIS 24th DAY OF APRIL, 2003.


JOHN T. SANDERS, Chairman

ATTEST:


ROBERT HILL, Clerk of Court