

ORDINANCE NO. 09- 22

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING CHAPTER 10 OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA, FOR THE PURPOSE OF REVISING REGULATIONS PERTAINING TO COMMUNICATION ANTENNAS AND COMMUNICATION ANTENNA SUPPORT STRUCTURES AS SET OUT IN 10-6.812, AND AMENDING CHAPTER 10 OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA, FOR THE PURPOSE OF REVISING REGULATIONS PERTAINING TO BROADCAST ANTENNAS AND BROADCAST ANTENNA SUPPORT STRUCTURES AS SET OUT IN 10-6.81; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA:

SECTION 1. Section 10-6.812 of the Code of Laws of Leon County, Florida, is hereby amended to read as follows:

Sec. 10-6.812 [10-1115]. Communication antennas and communication antenna support structures.

(a) Applicability; use of existing structures.

(1) All new communication antennas and communication antenna support structures in the unincorporated areas of the county shall be subject to these land development regulations and all other applicable building and construction codes. In the event of any conflict between other land development regulations and the regulations contained in this section, the provisions of this section shall override and supersede such other

1 regulations unless otherwise specifically set forth herein.

- 2 (2) a. All communication antenna support structures existing on ~~January~~
3 ~~28, 1997,~~ (the effective date of this section) shall be allowed to
4 continue to be used as they presently exist, provided that a notice
5 of continuing use is submitted by the communication antenna
6 support structure owner/operator to the department of ~~community~~
7 ~~development~~ growth and environmental management not later than
8 _____ June 1, 1998, on January 2, 2000 and on
9 January 2 in succeeding even numbered years, and no later than
10 every three years there after. A ~~N~~notice of continuing use shall
11 certify that the structure continues to be used as a communication
12 antenna support structure and that a security or performance bond
13 has been posted in an amount to be determined by the county, ~~not~~
14 ~~to exceed the cost of removal.~~ To cover the cost of removal plus a
15 25% of cost safety factor. The notice of continuing use shall
16 specify the antenna support structure's use, number of collocated
17 antennas and use, owner and contact information for the antenna
18 support structure and all collocated antennas. Failure to file a
19 notice of continuing use shall constitute abandonment in
20 accordance with subsection (o). Routine maintenance or minor
21 modifications to accommodate the ~~collocation~~ collocation of an
22 additional user or users shall be permitted on such existing
23 communication antenna support structures subject to the criteria in

1 (b) below. New construction, other than routine maintenance and
2 modifications to accommodate ~~relocation~~collocation on an
3 existing communication antenna support structure, shall comply
4 with the requirements of this section.
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7 (3) For purposes of this section, a communication antenna support structure
8 that has received final approval in the form of a building permit for an
9 approved site and development plan or where substantial construction has
10 been completed, shall be considered an existing communication antenna
11 support structure so long as such approval is valid and unexpired as of the
12 effective date of this section.
13

14
15 (4) No rezoning or zoning variance shall be required to locate a
16 communication antenna on an existing nonresidential structure or multi-
17 family residential structure 35 feet in height or greater; provided, however,
18 that the communication antenna does not extend more than 20 feet above
19 the existing structure. Such structures may include, but are not limited to,
20 nonresidential buildings, water towers, existing communications antenna
21 support structures, recreational light fixtures and essential service provider
22 facilities.
23

1 (5) A communication antenna support structure may be rebuilt, reconstructed,
2 or replaced, in any zoning district other than residential preservation,
3 except for rebuilding, reconstructing, or replacing non-conforming
4 communication antenna support structures which may be approved only
5 through Type C site and development plan process, when done to
6 accommodate ~~relocation~~collocation of additional users, subject to all
7 review requirements in the land development regulations for Type A site
8 plans, with a notice of pendency that a communication antenna support
9 structure is proposed to be rebuilt, reconstructed, or replaced mailed to all
10 affective property owners at least ten work days prior to the decision on
11 the application as determined from the most recent tax rolls, of all
12 property located within 500 feet of the boundary of the property upon
13 which the communication antenna support structure is located, provided
14 that any such ~~relocation~~collocation is accomplished in a manner
15 consistent with the following:

16
17 a. A communication antenna support structure which is modified or
18 reconstructed to accommodate the ~~relocation~~collocation of an
19 additional communication antenna shall comply with all the
20 provisions of this section, except subsections (b) and (c) and shall
21 be of the same communication antenna support structure type as
22 the existing communication antenna support structure, unless
23 reconstructed as a monopole.

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b. Height.

1. An existing communication antenna support structure may be modified or rebuilt to a taller height, not to exceed 30 feet or 20 percent of the height of the communication antenna support structure, whichever is greater, over the communication antenna support structure's existing height, to accommodate the ~~collocation~~collocation of an additional communication antenna, but in no case shall the height of the communication antenna support structure and proposed extension be greater than the distance to an existing residential structure.

2. The height change referred to in subsection b.1 may only occur one time per communication antenna support structure.

c. Onsite location.

1. A communication antenna support structure which is being rebuilt to accommodate the ~~collocation~~collocation of an additional communication antenna may be moved onsite

1 within 50 feet of its existing location, subject to the setback
2 requirements of this section.

3
4 2. After the communication antenna support structure is
5 rebuilt to accommodate ~~relocation~~ collocation, the existing
6 communication antenna support structure must be
7 dismantled and removed within 60 days after the rebuilding
8 so only one communication antenna support structure may
9 remain on the site.

10
11 (6) All communication antenna support structures or communication antennas
12 proposed in the unincorporated areas of the county shall comply with the
13 requirements of Section 10-6.808, "airport regulation," of the zoning code.
14 If there is any conflict between the requirements of this section and
15 Section 10-6.808, the requirements in 10-6.808 shall control.
16 Furthermore, no new communication antenna support structure shall be
17 permitted within 1,000 feet of the landing area of a private airport that has
18 been approved by the county pursuant to the provisions of Section 10-
19 6.803(f) of the zoning code.

20
21 (7) The provisions of this section shall not apply to communication antenna
22 support structures or communication antennas located on property owned
23 by the United States, State of Florida, Leon County, or the City of

1 Tallahassee, provided those communication antenna support structures are
2 owned by those public entities and are used for the provision of fire safety,
3 law enforcement, emergency management, emergency medical services
4 telecommunications, and/or a governmental purpose. Furthermore, the
5 provisions of this section are not intended to apply to the siting of radio
6 and television broadcast antenna support structures licensed by the FCC
7 and used primarily for broadcast purposes.

8
9 (b) Location.

10
11 (1) A communication antenna support structure or communication antenna
12 may be located in any zoning district so long as it meets the requirements
13 of this section, except a communication antenna support structure or
14 communication antenna shall not be located on or within 400 feet of
15 property designed as historic preservation overlay. Any application for a
16 communication antenna on or within 400 feet of property designated as
17 historic preservation overlay shall request a Certificate of Appropriateness
18 from the county's Architectural Review Board pursuant to Section 10-
19 6.807 of the Zoning Code.

20
21 (2) A communication antenna support structure may be located on a sub-
22 parcel used for other principal uses on a parcel smaller than the minimum
23 lot size required in the zoning district. This parcel shall be considered as

1 the "communication antenna support structure site." The communication
2 antenna support structure site, but not the entire lot, shall be subject to all
3 of the requirements of this section, except as specifically provided herein.

4
5 (c) Minimum distance of communication antenna support structures from
6 residential lots.

7
8 (1) a. If a communication antenna support structure is located on
9 residential or multi-family residential structure of 35 feet in height
10 or greater, the tower shall be at least 250 feet, but not less than the
11 height of the proposed communication antenna support structure
12 itself, from the nearest residential lot zoned for or constructed with
13 single-family residences or multi-family residences of less than 35
14 feet in height.

15
16 b. All other communication antenna support structures shall be
17 located at least 300 feet, but not less than the height of the
18 proposed communication antenna support structure itself, from the
19 nearest residential lot zoned for or constructed with single-family
20 residences or multi-family residences of less than 35 feet in height.

21
22 c. Variances from these setback requirements may be granted
23 consistent with the standards contained in subsection (v) of this

1 section.

2
3 (2) Distances shall be measured from the center of the base of the
4 communication antenna support structure to the residential lot line.

5
6 (3) Notwithstanding anything to the contrary in the land development
7 regulations, no communication antenna support structure other than a
8 monopole (freestanding) shall be located in any location adjacent to a
9 residential lot.

10
11 (d) Communication antenna support structure permitting.

12
13 (1) Feasibility of ~~eolocation~~collocation, shall be deemed to be feasible for
14 purposes of this subsection where all of the following are met:

15
16 a. The owner or person who otherwise controls the communication
17 antenna support structure or other structure under consideration for
18 ~~eolocation~~collocation will undertake to charge fair and reasonable
19 market rent or other fair and reasonable market compensation for
20 ~~eolocation~~collocation.

21
22 b. The site on which ~~eolocation~~collocation is being considered, taking
23 into consideration reasonable or replacement of a facility, is able to

1 provide sufficient structural support.

2 c. The ~~eolocation~~collocation being considered is technologically
3 reasonable, e.g. the ~~eolocation~~collocation will not result in
4 unreasonable interference, given appropriate physical and other
5 adjustment in relation to the structure and antennas.

6
7 d. The height of the structure necessary for ~~eolocation~~collocation will
8 not be increased beyond a point deemed to be permissible by the
9 County Administrator or designee, taking into consideration the
10 several standards contained in this section.

11
12 (2) New communication antenna support structures.

13
14 a. A communication antenna support structure permit for the location
15 and use of a communication antenna support structure shall not be
16 granted unless and until the applicant demonstrates that a feasible
17 ~~eolocation~~collocation is not available for the coverage area and
18 capacity needs.

19
20 b. The county shall maintain a list of all communication antenna
21 support structures and shall make such list available to new
22 communication antenna support structure applicants. No new
23 communication tower shall be permitted unless the applicant

1 demonstrates, in writing, that no existing communication antenna
2 support structure or structure can accommodate the applicant's
3 proposed antenna, consistent with the requirements of Section
4 (d)(4)f. of this section.

5
6 c. If a party who owns or otherwise controls a new or existing
7 communication antenna support structure shall fail or refuse to
8 alter a structure so as to accommodate a proposed and otherwise
9 feasible ~~relocation~~collocation, such facility shall thereupon and
10 thereafter be deemed to be a nonconforming structure and use, and
11 shall not be altered, expanded, or extended in any respect.

12
13 (3) Applications for ~~relocation~~collocation of communication antennas or
14 location of communication antennas on existing Leon County facilities
15 shall be given expedited review.

16
17 (4) Communication antenna support structure application and provisions
18 governing the issuance of permits.

19
20 a. In granting a permit, the county shall require the posting of a
21 security or performance bond, in an amount to be determined by
22 the county, not to exceed the cost of removal, to ensure removal of
23 such communication antenna support structure(s) if it becomes

1 abandoned as described in subsection (o) of this section.

2
3 b. Any information of an engineering nature that the applicant
4 submits, whether civil, mechanical, or electrical, shall be certified
5 by a licensed professional engineer, as otherwise required by law.

6
7 c. An applicant for a communication antenna support structure permit
8 shall submit the information described in this section and a non-
9 refundable fee as established by the resolution of the county
10 commissioners to reimburse the county for the costs of reviewing
11 the application.

12
13 d. Information required. In addition to any information required by
14 the land development regulations for Type B site plans, applicants
15 for a communication antenna support structure permit shall submit
16 the following information:

17
18 1. A scaled site plan clearly indicating the location, type, and
19 height of the proposed communication antenna support
20 structure, on-site land uses and zoning, adjacent land uses
21 and zoning (including when adjacent to other
22 municipalities), master plan classification of the site and all
23 properties within the applicable setback areas, adjacent

1 roadways, proposed means of access, setbacks for property
2 lines, elevation drawings of the proposed communication
3 antenna support structure and any other structures,
4 topography, parking, and other information deemed by the
5 county to be necessary to assess compliance with this
6 section.

7
8 2. Legal description of the parent tract and leased parcel (if
9 applicable).

10
11 3. The setback distance between proposed communication
12 antenna support structure and the nearest residential unit,
13 platted residentially zoned properties, and unplatted
14 residentially zoned properties.

15
16 4. The location of all communication antenna support
17 structure and communication antennas within a one mile
18 radius of the location of the proposed structure.

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20 5. A landscape plan showing specific landscape materials.

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22 6. Method of fencing, and finished color and, if applicable,
23 the method of camouflage and illumination.

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7. A description of compliance with the requirements of this section and all applicable federal, state, or local laws.

8. A notarized statement by the applicant as to whether construction of the tower will accommodate ~~relocation~~collocation of additional antennas for future users.

9. A description of the suitability of the use of existing communication antenna support structure(s) or other structures to provide the services to be provided through the use of the proposed new structure.

10. The location of the proposed communication antenna support structure in digital format compatible with the county's GIS system.

e. The county shall consider the following factors in determining whether to issue a permit, although the county may waive or reduce the burden on the applicant of one or more of these criteria if the county concludes that the goals of this section are better served thereby:

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1. Height of the proposed communication antenna support structure;
2. Proximity of the communication antenna support structure to residential structures and residential district boundaries;
3. Nature of uses on adjacent and nearby properties, within 500 feet of the communication antenna support structure site property line;
4. Surrounding topography;
5. Surrounding tree coverage and foliage;
6. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
7. Proposed ingress and egress; and
8. Availability of suitable existing communication antenna support structure or other structures.

1 | f. No new communication antenna support structure shall be
2 | permitted unless the applicant demonstrates to the reasonable
3 | satisfaction of the county that no existing communication antenna
4 | support structure or structure can accommodate the applicant's
5 | proposed antenna. An applicant shall submit information
6 | requested by the county related to the availability of suitable
7 | existing communication antenna support structure(s) or other
8 | structures. Evidence submitted to demonstrate that no existing
9 | communication antenna support structure or other structure can
10 | accommodate the applicant's proposed communication antenna
11 | may consist of any of the following:

12 |
13 | 1. No existing communication antenna support structure or
14 | other structures are located within the geographic area
15 | which meet applicant's engineering requirements.

16 |
17 | 2. Existing communication antenna support structure(s) or
18 | other structures are not of sufficient height to meet
19 | applicant's engineering requirements.

20 |
21 | 3. Existing communication antenna support structures or other
22 | structures do not have sufficient structural strength to
23 | support applicant's proposed communication antenna and

1 related equipment.

2
3 4. The applicant's proposed communication antenna would
4 cause electromagnetic interference with the communication
5 antenna on the existing communication antenna support
6 structures or other structures, or the communication
7 antenna on the existing communication antenna support
8 structures or other structures would cause interference with
9 the applicant's proposed communication antenna.

10
11 5. The fees, costs, or contractual provisions required by the
12 owner in order to share an existing communication antenna
13 support structure or other structure or to adapt an existing
14 communication antenna support structure or other structure
15 for sharing renders ~~co-location~~collocation infeasible or
16 unreasonable.

17
18 6. The applicant demonstrates that there are other limiting
19 factors that render existing communication antenna support
20 structure(s) or other structures unsuitable.

21
22 g. The applicant shall provide the county with a sealed statement that
23 the proposed communication antenna support structure is required

1 because the applicant has demonstrated compliance with all
2 applicable ~~collocation~~collocation requirements of this section as
3 outlined above, and that no existing communication antenna
4 support structure or other structure can accommodate the
5 applicant's proposed antenna.

6
7 (e) Maximum height. Notwithstanding anything to the contrary in the land
8 development regulations, the maximum height of communication towers shall be 150 feet
9 except in rural, urban fringe, industrial, M-1 limited industrial and activity center districts
10 or in planned unit developments, critical planning areas or target planning areas which
11 include community services, light or heavy infrastructure, or light or heavy industrial
12 uses, in which the maximum height shall be 250 feet. Measurements of communication
13 tower height shall include the base pad, and other appurtenances and shall be measured
14 from the finished grade at the tower base.

15
16 (f) Minimum yard requirements. There are no minimum yard requirements
17 for communication antenna support structures.

18
19 (g) Illumination. Communication antenna support structures shall not be
20 artificially lighted except to assure human safety or as required by the Federal Aviation
21 Administration (FAA).

22
23 (h) Finished color. Communication antenna support structures not requiring

1 FAA painting/markings shall have either a galvanized finish or painted a dull blue, gray,
2 or black finish.

3
4 (i) Structural design. Communication antenna support structures shall be
5 designed and constructed to ensure that the structural failure or collapse of the tower will
6 not create a safety hazard, according to the EIA/TIA 222-E Standards, to adjoining
7 properties. Communication antenna support structures shall be constructed to the
8 EIA/TIA 222-E Standards, as published by the Electronic Industries Association, which
9 may be amended from time to time, and all applicable county building codes. Further,
10 any improvements and/or additions (i.e., antenna, satellite dishes, etc.) to existing
11 communication antenna support structures shall require submission of site plans sealed
12 and verified by a professional engineer, which demonstrate compliance with the EIA/TIA
13 222-E Standards in effect at the time of said improvement or addition. Said plans shall
14 be submitted to and reviewed and approved by the Growth and Environmental
15 Management Department at the time building permits are requested.

16
17 (j) Fencing. A minimum eight feet finished masonry wall or an eight-foot
18 fence with less than 85 percent opacity shall be required around all communication
19 antenna support structure sites. Access to the tower shall be through a locked gate.

20
21 (k) No advertising. Neither the communication antenna support structure nor
22 the communication antenna support structure site shall be used for advertising purposes
23 and shall not contain any signs for the purpose of advertising.

1
2 (l) Landscaping. The visual impacts of residentially or commercially located
3 communication antenna support structures shall be mitigated through landscaping or
4 other screening materials at the base of the tower and ancillary structures as follows:

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6 (1) A 20-foot landscape buffer which meets the landscape requirements of
7 Section 10-7.522 of the zoning code shall be required around the perimeter
8 of the communication antenna support structure and any accessory
9 structures located outside the required wall or fence;

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11 (2) All required landscaping shall be of the evergreen variety;

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13 (3) All required landscaping shall be xeriscape tolerant or irrigated and
14 properly maintained to ensure good health and vitality;

15
16 (4) Required landscaping shall be installed outside the fence or wall; and

17
18 (5) Existing vegetation shall be preserved to the maximum extent practicable
19 and may be credited as appropriate toward meeting landscaping
20 requirements.

21
22 (6) An applicant may request deviation to the standards in this section in
23 accordance with Section 10-1.106.

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2 | (m) Leon County encourages the users of communication antenna support
3 | structures and communication antennas to submit a single application for approval of
4 | multiple communication antenna support structures and/or communication antenna sites,
5 | and to utilize existing public facilities owned by Leon County through lease situations as
6 | sites. Applications for approval of multiple sites or sites utilizing existing Leon County
7 | facilities shall be given priority in the review process.

8 |
9 | (n) Nonconforming communication antenna support structures. To the extent
10 | set forth herein, the restrictions on nonconforming uses and structures contained in
11 | Division 3 of Article VI of the Leon County Code of Laws are modified and
12 | supplemented by this section. Bona fide nonconforming communication antenna support
13 | structures or communication antennas that are damaged or destroyed maybe rebuilt and
14 | all such communication antenna support structures or communication antennas may be
15 | modified or replaced without meeting the minimum distance requirements specified in
16 | paragraph (c) hereinabove. The type, height, and location of the communication antenna
17 | support structure on the site shall be of the same type and intensity as the original facility
18 | approval. Building permits to rebuild the tower shall comply with the applicable county
19 | codes and shall be obtained within 180 days from the date the communication antenna
20 | support structure is damaged or destroyed. If no permit is applied for, or obtained, or if
21 | said permit expires, the communication antenna support structure shall be deemed
22 | abandoned as specified in paragraph (n) hereinafter.

1 | (o) Abandonment. In the event the use of any communication antenna
2 | support structure has been discontinued for a period of 180 consecutive days, the
3 | communication antenna support structure shall be deemed to be abandoned.
4 | Determination of the date of abandonment shall be made by the County Administrator or
5 | designee, based upon documentation and/or affidavits from the communication antenna
6 | support structure owner/operator regarding the issue of usage. Upon the determination of
7 | such abandonment, the owners/operator of the communication antenna support structure
8 | shall have an additional 180 days within which to: (1) reactivate the use of the
9 | communication antenna support structure or transfer the structure to another
10 | owner/operator who makes actual use of the structure, or (2) dismantle and remove the
11 | structure. At the earlier of 180 days from the date of abandonment without reactivation
12 | or upon completion of dismantling and removal, any exception and/or variance approval
13 | for the communication antenna support structure shall automatically expire.

14 |
15 | (p) Certification of compliance with Federal Communication Commission
16 | (FCC) NIER Standards. Prior to receiving final inspection, adequate proof shall be
17 | submitted to the community development department documenting that the
18 | communication antenna support structure complies with all current FCC regulations for
19 | non-ionizing electromagnetic radiation (NIER). The County Administrator or designee
20 | shall indicate on the site plan approval that this certification has been received.

21 |
22 | (q) Collocation. Communication antenna support structures shall be
23 | structurally designed to accommodate the collocation of communication antennas as

1 follows:

2

3 (1) All communication antenna support structures, except camouflaged
4 structures, over 80 feet and up to and including 125 feet in height shall be
5 structurally designed to accommodate at least two service providers.

6

7 (2) All communication antenna support structures, except camouflaged
8 structures, over 125 feet and up to and including 150 feet in height shall be
9 structurally designed to accommodate at least three service providers.

10

11 (3) All communication antenna support structures, except camouflaged
12 structures, exceeding 150 feet in height shall be structurally designed to
13 accommodate at least four service providers.

14

15 (r) Camouflaged structures.

16

17 (1) Criteria to be considered in determining whether a communication antenna
18 support structure qualifies as a camouflaged structure:

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20 a. The communication antenna support structure: (i) resembles a
21 natural object or a manmade structure; (an example of a natural
22 object is a tree; examples of a manmade structure are bell and
23 clock towers, church steeples, detached or attached sign structures

1 or a lookout station); or (ii) serves a purpose other than supporting
2 communication antennas, for example, lighting of sports facilities,
3 transmission of electrical and/or telephone lines; flag poles;

4
5 b. The communications antenna support structure is designed to be
6 compatible with the architectural elements, such as bulk, massing,
7 and scale of the surrounding properties or structures; and

8
9 c. The communication antenna support structure is designed to
10 compliment or to blend with the principal onsite use or structure, if
11 any.

12
13 (2) Upon receipt of a completed site and development plan application where
14 a camouflaged structure is being proposed, the County Administrator or
15 designee shall make a determination based on a recommendation of the
16 staff Technical Review Committee whether the proposed communication
17 antenna support structure qualifies as a camouflaged structure based on the
18 criteria outlined in subsection (r)(1). The determination may be appealed
19 pursuant to the formal proceedings under Division 7 of Article VII of
20 Chapter 10.

21
22 (3) Proposed communication antenna support structures determined to be
23 camouflaged structures pursuant to the provisions of this subsection shall

1 be permitted in all zoning districts, provided, however, that no antenna
2 support structure may be located on a residential property used as single-
3 family attached, single-family detached, two-family (duplex) dwellings, or
4 multi-family units containing four or less dwelling units. Furthermore, for
5 camouflaged structures, the required setback from the nearest existing
6 building and/or structure shall be equal to the height of the communication
7 antenna support structure. Variances to the setback requirement may be
8 granted pursuant to the provisions of subsection (v).

9 (4) All proposed camouflaged structures are subject to all site and
10 development plan review requirements for communication antenna
11 support structures as outlined in this section.

12
13 (5) All proposed camouflaged structures are subject to the applicable building
14 codes.

15
16 (s) A Permitted Use Verification, pursuant to Section 10-7.402, 1. of the Land
17 Development Regulations shall be required for siting all communication antenna support
18 structures and communication antennas.

19
20 (t) Site plan review. All site plan applications requests for communication
21 antenna support structures and communication antennas shall be subject to a Type B site
22 plan review and shall be subject to all review requirements in the land development
23 regulations for Type B site plans.

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2 (u) Judicial review. For purposes of seeking judicial review, county action on
3 a permit application shall not be final until the applicant has exhausted its right to formal
4 proceedings under Division 7 of Article VII of Chapter 10. Any person adversely
5 affected by any final action or failure to act on a permit application may, within 30 days
6 after final action or failure to act by the county, file a petition for writ of certiorari in the
7 Leon County Circuit Court.

8
9 (v) Variances. Applications for variances under this section shall be
10 submitted to and reviewed by the Board of Adjustment and Appeals. Applications for
11 variances must meet the requirements of this section. No variances to height, setbacks,
12 fencing, or buffer requirements shall be granted for communication antenna support
13 structures and communication antennas located in any residential preservation future land
14 use category, except for proposed antenna support structures that have been determined
15 to be in compliance with subsection (r), camouflaged structures. Variance requests for
16 proposed antenna support structures that have been determined to be in compliance with
17 subsection (r) shall be reviewed and approved as appropriate by the entity with the
18 authority to approved the proposed project, and shall not be required to complete the
19 Board of Adjustment and Appeals variance process as established by this section.

20
21 (w) Supplemental information required for applications for variances. The
22 following information shall be included with all applications for variances. The applicant
23 may use any combination of site plans, surveys, maps, technical reports or written

1 narratives necessary to convey the following information:

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(1) A scaled site plan clearly indicating the communication antenna support structure site, type and height of the proposed tower, the location of the accessory building, on-site land uses and zoning, adjacent land uses and zoning, adjacent roadways, proposed means of access, distances from property lines, elevation drawings of the proposed communication antenna support structure, and any other proposed structures;

(2) A current zoning or tax map or aerial, as maintained by the Leon County Property Appraiser's Office, showing the location of the proposed communication antenna support structure;

(3) A legal description of the parent tract and communication antenna support structure site (if applicable);

(4) If the proposed communication antenna support structure site meets the required minimum distance from residential lot lines, approximate distance between the proposed antenna support structure and the nearest residential lot line, platted residential properties, or unplatted residential properties. If the proposed communication antenna support structure site does not meet the minimum distance requirements, then exact distances, locations and identifications of said properties shall be shown on an updated zoning or tax map.

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- (5) A landscape plan showing specific landscape materials;

- (6) The method of fencing, finished color and, if applicable, the method of aesthetic mitigation and illumination;

- (7) If the applicant is not co-locating (sharing space) on the proposed or existing communication antenna support structure of another communications provider, evidence that it has made diligent but unsuccessful efforts to co-locate its antenna and associated equipment on an existing structure;

- (8) Evidence that the applicant has made diligent but unsuccessful efforts to locate the proposed communication antenna support structure on suitable government-owned property;

- (9) The written consent by the applicant that any such exception or variance shall be conditioned upon requiring the applicant to (a) construct the proposed communication antenna support structure so as to provide sufficient excess capacity over the initial loading and (b) permit at least one other comparable communication provider to use the proposed structure.

1 (10) Certification by the applicant that the proposed communication antenna
2 support structure is reasonably necessary to serve an adjacent or nearby
3 residential area or areas.

4
5 (x) Variance standards and criteria for communication antenna support
6 structure. In addition to the variance criteria in the land development regulations, with
7 respect to action upon applications for zoning variances, the Board of Adjustment and
8 Appeals shall grant a variance only if it finds from a preponderance of the evidence that
9 the variance meets the following standards and criteria:

10
11 (1) The deviation will not be detrimental to the public good or to the
12 surrounding properties;

13
14 (2) The location of existing uses, structures or other features on or adjacent to
15 the property create a need for the variance;

16
17 (3) The variance sought is the minimum necessary to address the need for the
18 variance, subsequent to exploring all reasonable siting alternatives;

19
20 (4) The location of the proposed communication antenna support structure in
21 relation to existing structures, trees, and other visual buffers shall
22 minimize, to the greatest extent reasonably practicable under the
23 circumstances, any impacts on an affected residential lot;

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(5) The location of the communication antenna support structure will not have a significant detrimental impact on adjacent property values;

(6) The communication antenna support structure will be compatible with the existing contiguous uses or zoning and compatible with the general character and aesthetics of the neighborhood or the area, considering the design and height of the communication antenna support structure, the mitigating effect of any existing or proposed landscaping, fencing or other structures in the area, the proximity of the communications antenna support structure to existing or proposed buildings or structures, and similar factors; and

(7) The strict application of the requirements of this section will constitute a substantial hardship to the applicant, which hardship is not self-created or self-imposed; and,

(8) The granting of the deviation is consistent with the intent and purpose of this section, the zoning code, and the Comprehensive Plan.

(y) Ownership marking. All communication antenna support structures shall be marked with proper indicia of ownership, located at the entry gate.

1 (z) Definitions.

2
3 [Unless specifically defined below, words or phrases shall be interpreted so as to
4 give them the meaning they have in common usage and to give this section its most
5 effective application:]

6
7 *Communication antenna* means an antenna, appurtenant to a structure, designed to
8 transmit and/or receive communications authorized by the Federal Communications
9 Commission (FCC). The term, "communication antenna," shall not include antennas
10 utilized by amateur radio operators licensed by the FCC.

11
12 *Communication antenna support structure* means a principal structure which is
13 intended to support communication equipment for telephone, radio and similar
14 communication purposes. The term is not intended to apply to radio and television
15 broadcast antenna support structures that are licensed by the Federal Communications
16 Commission (FCC) and used primarily for broadcast purposes. Also, the term,
17 "communication antenna support structure" shall not include structures utilized by
18 amateur radio operators licensed by the FCC or towers not exceeding 75 feet in height
19 utilized by essential service providers on a site containing an essential service facility,
20 such as but not limited to fire stations, law enforcement facilities including jails,
21 electrical substations, wastewater treatment plants, sewer lift stations, overhead water
22 storage tanks, water wells and utility operation or service centers, for the provision of
23 telemetry data only. Communication antenna support structures are generally described

1 as either monopole (freestanding), lattice (self-supporting), or guyed (anchored with guy
2 wires or cables).

3
4 *Communication antenna support structure site* means a parcel of land smaller
5 than the minimum lot size required in the zoning district completely contained within a
6 lot meeting the requirements of the zoning district for the purposes of locating a
7 communication antenna support structure.

8
9 *Essential service* means the provision, by a public utility, of communication
10 services to the public related to fire safety; law enforcement; weather; provision of
11 electric, natural gas, water, or sanitary sewer service; or other circumstances affecting the
12 health, safety, or welfare of the public.

13
14 *Public utility* means a utility owned or operated by the United States, the State of
15 Florida, Leon County or the City of Tallahassee.

16
17 *Residential lot* means any parcel of land upon which one or more dwelling units
18 are located; which is designated on the county's official zoning map as a zoning district
19 that allows residential development; upon which a residential subdivision plat
20 (preliminary or final) has been approved; or which has been designated for residential
21 uses by any other unexpired development order (i.e., Planned Unit Development Area,
22 Critical Planning Area, Target Planning Area, Chapter 163 Development agreement, with
23 a residential component).

1
2 *Sub-parcel* means a portion of a larger parcel that is used to support the
3 development of a communication antenna support structure. A sub-parcel shall only be
4 created and used for the sole purpose of developing a communication antenna support
5 structure. A sub-parcel is not required to be consistent with the minimum lot size of the
6 zoning district within which it is located. A sub-parcel shall only be created with
7 approval by the county through the appropriate development review and approval process
8 as established by code.

9
10 **SECTION 2.** Section 10-6.813 of the Code of Laws of Leon County, Florida, is hereby
11 amended to read as follows:

12
13 **Sec. 10-6.813 [10-1116]. Broadcast antennas and broadcast antenna support**
14 **structures.**

15
16 (a) *Applicability; use of existing structures.*

17
18 (1) All new broadcast antennas and broadcast antenna support structures in
19 the unincorporated areas of the county shall be subject to these land
20 development regulations and all other applicable building and construction
21 codes. In the event of any conflict between other land development
22 regulations and the regulations contained in this section, the provisions of
23 this section shall override and supersede such other regulations unless

1 otherwise specifically set forth herein.

- 2
- 3 (2) a. All broadcast antennas and broadcast antenna support structures
4 existing on (the effective date of this section) shall be allowed to
5 continue to be used as they presently exist, provided that a notice
6 of continuing use is submitted by the broadcast antenna support
7 structure owner/operator to the department of growth and
8 environmental management not later than _____
9 ~~January 2, 2003, and on January 2 in succeeding odd-numbered~~
10 ~~years and no later than every three years there after.~~ A notice of
11 continuing use shall certify that the structure continues to be used
12 as a broadcast antenna or broadcast antenna support structure and
13 that a security or performance bond has been posted in an amount
14 to be determined by the county, ~~not to exceed the cost of removal.~~
15 to cover the cost of removal plus a 25% of cost safety factor. The
16 notice of continuing use shall specify the antenna support
17 structure's use, number of collocated antennas and use, owner and
18 contact information for the antenna support structure and all
19 collocated antennas. Failure to file a notice of continuing use shall
20 constitute abandonment in accordance with paragraph (p). Routine
21 maintenance or minor modifications to accommodate additional or
22 new broadcast antennas shall be permitted on such existing
23 broadcast antenna support structures. New construction, other than

1 routine maintenance and modifications, shall comply with the
2 requirements of this section.

3
4 b. Replacement of antennas on a broadcast antenna support structure
5 with a different antenna shall be considered routine maintenance or
6 a minor modification to accommodate a new or additional antenna,
7 provided such maintenance or minor modification does not
8 increase the height of any broadcast antenna support structure
9 more than 25 feet or ten percent, whichever is less, above the
10 initially constructed height.

11
12 (3) For purposes of this section, a broadcast antenna support structure that has
13 received final approval in the form of a building permit for an approved
14 site and development plan or where substantial construction has been
15 completed, shall be considered an existing broadcast antenna support
16 structure, provided such approval is valid and unexpired as of the effective
17 date of this section.

18
19 (4) A broadcast antenna support structure may be rebuilt, reconstructed, or
20 replaced, in any zoning district other than Residential Preservation, R-1,
21 R-2, R-3, R-4, R-5, or in a recorded or unrecorded subdivision, regardless
22 of the zoning designation. Broadcast antenna support structures proposed
23 inside the Urban Service Area shall use construction techniques that do

1 not require guy wires (e.g., lattice or monopole structures).

2
3 (5) All broadcast antenna support structures proposed in the unincorporated
4 areas of the county shall comply with the requirements of Section 10-
5 6.808, "airport regulation," of the Zoning Code. If there is any conflict
6 between the requirements of this Section and Section 10-6.808, the
7 requirements in 10-6.808 shall apply. Furthermore, no new broadcast
8 antenna support structure shall be permitted within 1,000 feet of the
9 landing area of a private airport that has been approved by the county
10 pursuant to the provisions of Section 10-6.803(f) of the Zoning Code.

11
12 (b) *Location and setback requirements.*

13
14 (1) Broadcast antenna support structures may be located in any zoning district
15 other than Residential Preservation, R-1, R-2, R-3, R-4, R-5, or in a
16 recorded or unrecorded residential subdivision, regardless of the zoning
17 designation.

18
19 (2) All broadcast antenna support structures shall be located not less than the
20 height of the proposed broadcast antenna support structure itself, from the
21 nearest residential lot line zoned for or constructed with single or multi-
22 family residences.

1 (3) Variances from these location and setback requirements may be granted
2 consistent with the procedures and standards contained in subsections (t),
3 (u), and (v) of this section.

4
5 (4) Distances shall be measured from the center of the base of the broadcast
6 antenna support structure to the residential lot line, or as the case may be,
7 to the lot line of the nearest occupied structure.

8
9 (5) Towers should not be sited in or near wetlands, other known bird
10 concentration areas (e.g., state or federal refuges, staging areas, rookeries),
11 in known migratory or daily movement flyways, or in habitat of threatened
12 or endangered species. Construction is prohibited in areas habitually
13 containing a significant number of breeding, feeding, or roosting birds.

14
15 (6) Broadcast antenna support structures and guy wires shall not be sited in or
16 adjacent wetlands.

17
18 (7) Anchors and guy wires shall be oriented to provide the maximum distance
19 to the nearest residentially-zoned lot line.

20
21 (c) *Broadcast antenna support structure permitting.*

22
23 (1) New broadcast antenna support structures.

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a. Broadcast antenna support structure applications.

1. In granting a broadcast antenna support structure permit, the county shall require the posting of a security or performance bond, in an amount to be determined by the county, not to exceed the cost of removal, to ensure removal of such broadcast antenna support structure, if it becomes abandoned as described in subsection (n) of this section.
2. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a professional engineer licensed in the State of Florida, as otherwise required by law.
3. An applicant for a broadcast antenna support structure permit shall submit the information described in this section and a non-refundable fee as established by the county to reimburse the county for the costs of reviewing the application.
4. The applicant for a broadcast antenna support structure

1 permit shall be required to obtain type C site and
2 development plan approval, in accordance with the Land
3 Development Code.

4
5 5. Information required. In addition to any information
6 required by the land development regulations for Type C
7 site and development plans, applicants for a broadcast
8 antenna support structure permit shall submit the following
9 information:

10
11 (i) A scaled site plan clearly indicating the location,
12 type, and height of the proposed broadcast antenna
13 support structure, on-site land uses and zoning,
14 adjacent land uses and zoning (including when
15 adjacent to other municipalities), master plan
16 classification of the site and all properties within the
17 applicable setback areas, adjacent roadways,
18 proposed means of access, property lines, elevation
19 drawings of the proposed broadcast antenna support
20 structure and any other structures, topography,
21 parking, and other information deemed by the
22 county to be necessary to assess compliance with
23 this ordinance.

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(ii) A sealed survey performed by a Florida professional land surveyor, and a legal description of the parent tract and leased parcel (if applicable).

(iii) The setback distance between the proposed broadcast antenna support structure and the nearest residential unit or residentially zoned property line.

(iv) The location of all broadcast antenna support structures within a one mile radius of the location of the proposed broadcast antenna support structure, currently existing or closed and filed with the FAA, FCC or both.

(v) A landscape plan showing specific landscape materials.

(vi) Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.

(vii) A description of compliance with the requirements

1 of this section and all applicable federal, state, or
2 local laws.

3
4 (viii) The location of the proposed broadcast antenna
5 support structure in digital format compatible with
6 the county's GIS system.

7
8 (ix) Federal Aviation Administration (FAA) and Federal
9 Communication Commission (FCC) licenses,
10 permits, or approvals, if applicable.

11
12 (x) The names and addresses of all property owners
13 within 2,640 feet of the proposed broadcast antenna
14 support structure if the proposed site is outside the
15 Urban Service Area, and 500 feet if inside the
16 Urban Service Area. The county will verify this
17 information, and notify all identified property
18 owners of the proposal's required pre-application
19 meeting.

20
21 (xi) Proof that the applicant owns the broadcast antenna
22 support structure site or has a leasehold interest in
23 the proposed site. If a leasehold interest, the lease

1 must evidence a term of at least ten years, and the
2 fee simple property owner must consent in writing
3 to the proposed use of the broadcast antenna support
4 structure location.

5 |
6 | b. Provisions governing the issuance of permits. The county may
7 | consider the following factors in determining whether to issue a
8 | broadcast antenna support structure permit, although the county
9 | may waive or reduce the burden on the applicant of one or more of
10 | these criteria if the county concludes that the goals of this
11 | ordinance are better served as determined pursuant to the variance
12 | provision of this ordinance:

- 13 |
14 | 1. Height of the proposed broadcast antenna support structure;
15 |
16 | 2. Proximity of the broadcast antenna support structure to
17 | residential structures and residential zoning district
18 | boundaries;
19 |
20 | 3. Nature of uses on adjacent and nearby properties, within
21 | 2,640 feet of the broadcast antenna support structure site
22 | property line;
23 |

- 1 4. Surrounding topography;
- 2
- 3 5. Surrounding tree coverage and foliage;
- 4
- 5 6. Design of the tower, with particular reference to design
- 6 characteristics that have the effect of reducing or
- 7 eliminating visual obtrusiveness;
- 8
- 9 7. Proposed ingress and egress.
- 10
- 11 8. Co-location options.
- 12

13 (d) *Height.* The permitted height of a broadcast antenna support structure is
14 to be determined in accordance with the setback regulations contained in subsection
15 (b)(2) of this section.

16
17 (e) *Minimum yard requirements.* There are no minimum yard requirements
18 for broadcast antenna support structures.

19
20 (f) *Illumination.* Broadcast antenna support structure shall not be artificially
21 lighted except to assure human safety or as required by the Federal Aviation
22 Administration (FAA).

1 | (1) Broadcast antenna support structures exceeding 200 feet in height must
2 | use the minimum number of lights having the minimum intensity and
3 | number of flashes per minute (i.e., the longest duration between flashes)
4 | permitted by the FAA (i.e., daytime high intensity and night time low
5 | intensity). The use of solid red or pulsating red warning lights shall be
6 | prohibited at night.

7 |
8 | (2) On broadcast antenna support structures exceeding 200 feet in height, only
9 | white strobe lights shall be used at night, where permissible by the FAA.
10 | All tower lighting shall automatically switch to the lowest luminance
11 | allowed at different times of day or circumstances as defined by FAA
12 | advisories.

13 |
14 | (3) All lights on broadcast antenna support structures of any height shall be
15 | up-shielded and directed upwards to the maximum extent allowed by FAA
16 | regulations, eliminating luminescence toward the ground.

17 |
18 | (4) Guyed broadcast antenna support structures shall use daytime visual
19 | markers (e.g., bird diverter devices) on the guy wires to reduce collisions
20 | by migratory birds.

21 |
22 | (5) Security lighting for on-ground facilities and equipment shall be down-
23 | shielded to keep light within the boundaries of the site and to minimize its

1 potential attraction for birds and impact on adjacent land uses.

2
3 (g) *Finished color.* Broadcast antenna support structures not requiring FAA
4 painting/marketing shall have either a galvanized finish or painted a dull blue, gray, or
5 black finish.

6
7 (h) *Structural design.* Broadcast antenna support structures shall be designed
8 and constructed to ensure that the structural failure or collapse of the tower will not create
9 a safety hazard, according to the most current EIA/TIA 222 Standards, to adjoining
10 properties. Broadcast antenna support structures shall be constructed to the EIA/TIA 222
11 Standards, as published by the Electronic Industries Association, which may be amended
12 from time to time, and all applicable county building codes. Further, any improvements
13 and/or additions (i.e., antenna, satellite dishes, etc.) to existing broadcast antenna support
14 structures shall require submission of site plans sealed and verified by a professional
15 engineer, which demonstrate compliance with the most current EIA/TIA 222 Standards in
16 effect at the time of said improvement or addition. Said plans shall be submitted to and
17 reviewed for approval by the department of growth and environmental management and
18 shall incorporate the following:

19
20 (1) The proposed antenna support structure and all apertures shall be designed
21 and built to withstand 125 mph winds. All proposed apertures shall
22 include planned and future antennas, antenna mounts, tower lights,
23 transmission lines, guy wires and other equipment mounted on the tower.

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(2) The proposed antenna support structure shall be designed and constructed with adequate antenna load for planned and future antennas, including planned antennas for public safety (law enforcement, fire, EMS, etc.). At a minimum, the proposed antenna support structure shall be designed and constructed to include five additional antenna spaces with five square foot of loading space per antenna. All proposed future antenna allocations should be at 25 foot intervals on the support structure. A 1 5/8 transmission line shall be allocated for each antenna.

(3) The proposed antenna support structure shall be designed and constructed to include a space allocation at the 150-foot and 135-foot level for cellular/PCS antennas on each tower face.

(i) *Fencing.* A minimum eight-foot finished masonry wall or an eight-foot fence with less than 85 percent opacity shall be required around all broadcast antenna support structure sites. Access to the tower shall be through a locked gate.

(j) *No advertising.* Neither the broadcast antenna support structure nor the broadcast antenna support structure site shall be used for advertising purposes and shall not contain any signs for the purpose of advertising.

(k) *Landscaping.* The visual impacts of residentially or commercially located

1 broadcast antenna support structures shall be mitigated through landscaping or other
2 screening materials at the base of the tower and ancillary structures as follows:

3
4 (1) A 20-foot landscape buffer which meets the landscape requirements of
5 Section 10-7.522 of the Zoning Code shall be required around the
6 perimeter of the broadcast antenna support structure and any accessory
7 structures located outside the required wall or fence;

8
9 (2) All required landscaping shall be of the native evergreen variety;

10 (3) All required landscaping shall be xeriscape tolerant or irrigated and
11 properly maintained to ensure good health and vitality;

12
13 (4) Required landscaping shall be installed outside the fence or wall;

14
15 (5) Existing vegetation shall be preserved to the maximum extent practicable
16 and may be credited as appropriate toward meeting landscaping
17 requirements.

18
19 (l) *Access.* The operator of a broadcast antenna shall allow reasonable access
20 to all qualified researchers for the purpose of investigating the impact of the broadcast
21 antenna on wildlife.

22
23 (m) *Operation of antenna.* The proposed or future broadcast antennas shall

1 not impact or interfere with the operation of adjacent or nearby electrical devices. The
2 applicant shall demonstrate compliance with this provision during the site plan review
3 process. Any corrective action shall be at the tower owner's expense.

4
5 (n) An applicant may request deviation to the standards in this section from
6 the Board of County Commissioners as part of the Type C review process and shall meet
7 Section 10-1.106, including the setback standards contained in Subsection (b)(2) of this
8 section.

9
10 (o) *Nonconforming broadcast antenna support structures.* To the extent set
11 forth herein, the restrictions on nonconforming uses and structures contained in Division
12 3 of Article VI of the Leon County Code of Laws are modified and supplemented by this
13 section. Bona fide nonconforming broadcast antenna support structures or broadcast
14 antennas that are damaged or destroyed may be rebuilt and all such broadcast antenna
15 support structures or broadcast antennas may be modified or replaced without meeting
16 the minimum distance requirements specified in paragraph (c) herein above. The type,
17 height, and location of the broadcast antenna support structure on the site shall be of the
18 same type and intensity as the original facility approval. Building permits to rebuild the
19 tower shall comply with the applicable county codes and shall be obtained within 180
20 days from the date the broadcast antenna support structure is damaged or destroyed. If no
21 permit is applied for, or obtained, or if said permit expires, the broadcast antenna support
22 structure shall be deemed abandoned as specified in paragraph (p) hereinafter.

1 | (p) *Abandonment.* In the event the use of any broadcast antenna support
2 structure has been discontinued for a period of 180 consecutive days, the broadcast
3 antenna support structure shall be deemed to be abandoned. Determination of the date of
4 abandonment shall be made by the County Administrator or his/her designee, based upon
5 documentation and/or affidavits from the broadcast antenna support structure
6 owner/operator regarding the issue of usage. Upon the determination of such
7 abandonment, the owner/operator of the broadcast antenna support structure shall have an
8 additional 180 days within which to: (1) reactivate the use of the broadcast antenna
9 support structure or transfer the structure to another owner/operator who makes actual use
10 of the structure, or (2) dismantle and remove the structure and all facilities, returning the
11 property to its pre-development state. Upon the expiration of 180 days from the date of
12 abandonment without reactivation or upon completion of dismantling and removal, any
13 exception and/or variance approval for the broadcast antenna support structure shall
14 automatically expire.

15 |
16 | (q) *Certification of compliance with Federal Communication Commission*
17 *(FCC) NIER standards.* Prior to receiving final inspection, documentation shall be
18 submitted to the department of growth and environmental management, building
19 inspection division, demonstrating that the broadcast antenna support structure complies
20 with all current FCC regulations for non-ionizing electromagnetic radiation (NIER). The
21 County Administrator or designee shall indicate on the site plan approval that this
22 certification has been received. Future use of this structure for additional broadcast
23 antennas shall be governed by this requirement as well.

1 |
2 | (r) *Permitted Use Verification.* A Permitted Use Verification pursuant to
3 | Section 10-7.402, 1. of the Land Development Regulations shall be required for all
4 | proposed broadcast antenna support structures and broadcast antennas.

5 |
6 | (s) *Site plan review.* All site plan applications for broadcast antenna support
7 | structures and broadcast antennas shall be subject to a Type C site plan review and shall
8 | be subject to all review requirements in the Land Development Regulations for Type C
9 | site plans.

10 |
11 | (t) *VariANCES.* Applications for variances from setback requirements under
12 | this section shall be submitted to and reviewed by the Board of County Commissioners.
13 | Applications for variances must meet the requirements of this section. Variance requests
14 | for proposed broadcast antenna support structures that have been determined to be in
15 | compliance with subsection (u) of this section shall be reviewed and approved as
16 | appropriate by the Board of County Commissioners.

17 |
18 | (u) *Supplemental information required for applications for variances.* The
19 | following information shall be included with all applications for variances. The applicant
20 | must submit 12 copies of the application and may use any combination of site plans,
21 | surveys, maps, technical reports or written narratives necessary to convey the following
22 | information:

1 | (1) A scaled site plan clearly indicating the broadcast antenna support
2 | structure site, type and height of the proposed tower, the location of the
3 | accessory building, on-site land uses and zoning, adjacent land uses and
4 | zoning, adjacent roadways, proposed means of access, distances from
5 | property lines, elevation drawings of the proposed broadcast antenna
6 | support structure, and any other proposed structures;

7 |
8 | (2) A current zoning or tax map or aerial, as maintained by the Leon County
9 | Property Appraiser's Office, showing the location of the proposed
10 | broadcast antenna support structure;

11 |
12 | (3) A sealed survey performed by a Florida professional land surveyor, and a
13 | legal description of the parent tract and broadcast antenna support
14 | structure site (if applicable);

15 |
16 | (4) The exact distance between the proposed broadcast antenna support
17 | structure and the nearest residential lot line zoned for or constructed with
18 | single or multi-family residences, as well as the locations and
19 | identifications of said properties, to be shown on an updated zoning or tax
20 | map;

21 |
22 | (5) A landscape plan showing specific landscape materials; and
23 |

1 | (6) The method of fencing, finished color and, if applicable, the method of
2 | aesthetic mitigation and illumination.

3 |
4 | (v) *Variance standards and criteria for broadcast antenna support structures.*

5 | In addition to the variance criteria in the Land Development Regulations, with respect to
6 | action upon applications for zoning variances, the Board of County Commissioners may
7 | grant a variance only if it finds from a preponderance of the evidence that the variance
8 | meets the following standards and criteria:

9 |
10 | (1) The deviation will not be detrimental to the public good, the surrounding
11 | property values, or wildlife;

12 |
13 | (2) The location of existing uses, structures or other features on or adjacent to
14 | the property create a need for the variance;

15 |
16 | (3) The variance sought is the minimum necessary to address the need for the
17 | variance. An analysis of all reasonable siting alternatives shall be provided
18 | to the Board of County Commissioners for consideration;

19 |
20 | (4) The location of the proposed broadcast antenna support structure in
21 | relation to existing structures, trees, and other visual buffers shall
22 | minimize, to the greatest extent reasonably practicable under the
23 | circumstances, any impacts on an affected residential lot;

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(5) The location of the broadcast antenna support structure will not have a significant detrimental impact on adjacent property values;

(6) The broadcast antenna support structure will be compatible with the existing contiguous uses or zoning and the general character and aesthetics of the neighborhood or the area by considering the following:

(a) The design and height of the broadcast antenna support structure;

(b) The mitigating effect of any existing or proposed landscaping;

(c) Fencing or other structures in the area;

(d) The proximity of the broadcast antenna support structure to existing or proposed buildings or structures, and similar factors;

(7) The granting of the deviation is consistent with the intent and purpose of this section, the Zoning Code, and the Comprehensive Plan.

(w) *Ownership marking.* All broadcast antenna support structures shall be marked with proper indicia of ownership, including a 24-hour telephone number of the facility's owner or owner's designee located at the entry gate.

1
2 (x) *Definitions.* As used in this section:

3
4 *Broadcast antenna* means an antenna, appurtenant to a structure, designed
5 to transmit and/or receive communications authorized by the Federal
6 Communications Commission (FCC). The term, "broadcast antenna," shall not
7 include antennas utilized by amateur radio operators licensed by the FCC.

8
9 *Broadcast antenna support structure* means a principal structure which is
10 intended to support communication equipment related to radio and television
11 broadcasting that is licensed by the Federal Communications Commission (FCC)
12 and used primarily for broadcast purposes. Broadcast antenna support structures
13 are generally described as either monopole (free standing), lattice (self-
14 supporting), or guyed (anchored with guy wires or cables).

15
16 *Broadcast antenna support structure site* means a parcel of land smaller
17 than the minimum lot size required in the zoning district completely contained
18 within a lot meeting the requirements of the zoning district for the purposes of
19 locating a broadcast antenna support structure.

20
21 *Residential lot* means any parcel of land upon which one or more dwelling
22 units are located; which is designated on the county's official zoning map as a
23 zoning district that allows residential development; upon which a residential

1 subdivision plat (preliminary or final) has been approved; or which has been
2 designated for residential uses by any other unexpired development order (i.e.,
3 planned unit development area, critical planning area, target planning area,
4 Chapter 163 Development Agreement, with a residential component).

5 |
6 *Sub-parcel* means a portion of a larger parcel that is used to support the development of a
7 broadcast antenna support structure. A sub-parcel shall only be created and used for the sole
8 purpose of developing a communication antenna support structure. A sub-parcel is not required
9 to be consistent with the minimum lot size of the zoning district within which it is located. A
10 sub-parcel shall only be created with approval by the county through the appropriate development
11 review and approval process as established by code.

12
13 **SECTION 3. Conflicts.** All ordinances or parts of ordinances in conflict with the provisions of
14 this Ordinance are hereby repealed to the extent of such conflict, as of the effective date of this
15 Ordinance, except to the extent of any conflicts with the Tallahassee-Leon County
16 Comprehensive Plan, as amended, which provisions shall prevail over any parts of this
17 Ordinance which are inconsistent, either in whole or in part, with the Comprehensive Plan.

18
19 **SECTION 4. Severability.** If any section, subsection, sentence, clause, phrase or portion of this
20 article is for any reason held invalid or unconstitutional by any court of competent jurisdiction,
21 such portion shall be deemed a separate, distinct, and independent provision and such holding
22 shall not affect the validity of the remaining portions of this Ordinance.

23
24 **SECTION 5. Effective date.** This ordinance shall be effective according to law.

25
26 DULY PASSED AND ADOPTED BY the Board of County Commissioners of Leon County,
27 Florida, this 14th day of July, 2009.

28
29 LEON COUNTY, FLORIDA

30
31
32 BY: _____


33 BRYAN DESLOGE, CHAIRMAN
34 BOARD OF COUNTY COMMISSIONERS

1 ATTEST:
2 BOB INZER, CLERK OF THE COURT
3 LEON COUNTY, FLORIDA
4
5
6 BY: [Signature]
7
8 APPROVED AS TO FORM:
9 LEON COUNTY ATTORNEY'S OFFICE
10
11
12 BY: [Signature]
13 HERBERT W.A. THIELE, ESQ.
14 COUNTY ATTORNEY

