

ORDINANCE NO. 10- 02

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 10-6.813; 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(a)(2)a. of the Code of Laws of Leon County, Florida, is hereby amended to read as follows:

- (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 regulations unless otherwise specifically set forth herein.
 - (2) a. All communication antenna support structures existing on ~~(the effective date of this section)~~ July 14, 2009 shall be allowed to

continue to be used as they presently exist, provided that a notice of continuing use is submitted by the communication antenna support structure owner/operator to the department of growth and environmental management not later than _____ July 30, 2010 and no later than every three years there after. A notice of continuing use shall certify that the structure continues to be used as a communication antenna support structure and that a security or performance bond has been posted in an amount to be determined by the county To cover the cost of removal plus a reasonable safety factor. The notice of continuing use shall specify the antenna support structure's use, number of collocated antennas and use, owner and contact information for the antenna support structure and all collocated antennas. Failure to file a notice of continuing use shall constitute abandonment in accordance with subsection (o). Routine maintenance or minor modifications to accommodate the collocation of an additional user or users shall be permitted on such existing communication antenna support structures subject to the criteria in (b) below. New construction, other than routine maintenance and modifications to accommodate collocation on an existing communication antenna support structure, shall comply with the requirements of this section.

- (3) For purposes of this section, a communication antenna support structure

that has received final approval in the form of a building permit for an approved site and development plan or where substantial construction has been completed, shall be considered an existing communication antenna support structure so long as such approval is valid and unexpired as of the effective date of this section.

- (4) No rezoning or zoning variance shall be required to locate a communication antenna on an existing nonresidential structure or multi-family residential structure 35 feet in height or greater; provided, however, that the communication antenna does not extend more than 20 feet above the existing structure. Such structures may include, but are not limited to, nonresidential buildings, water towers, existing communications antenna support structures, recreational light fixtures and essential service provider facilities.
- (5) A communication antenna support structure may be rebuilt, reconstructed, or replaced, in any zoning district other than residential preservation, except for rebuilding, reconstructing, or replacing non-conforming communication antenna support structures which may be approved only through Type C site and development plan process, when done to accommodate collocation of additional users, subject to all review requirements in the land development regulations for Type A site plans, with a notice of pendency that a communication antenna support structure

is proposed to be rebuilt, reconstructed, or replaced mailed to all affective property owners at least ten work days prior to the decision on the application as determined from the most recent tax rolls, of all property located within 500 feet of the boundary of the property upon which the communication antenna support structure is located, provided that any such collocation is accomplished in a manner consistent with the following:

- a. A communication antenna support structure which is modified or reconstructed to accommodate the collocation of an additional communication antenna shall comply with all the provisions of this section, except subsections (b) and (c) and shall be of the same communication antenna support structure type as the existing communication antenna support structure, unless reconstructed as a monopole.
- 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 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 of an additional communication antenna may be moved onsite within 50 feet of its existing location, subject to the setback requirements of this section.
2. After the communication antenna support structure is rebuilt to accommodate collocation, the existing communication antenna support structure must be dismantled and removed within 60 days after the rebuilding so only one communication antenna support structure may

remain on the site.

- (6) All communication antenna support structures or communication antennas proposed in the unincorporated areas of the county shall comply with the requirements of Section 10-6.808, "airport regulation," of the zoning code. If there is any conflict between the requirements of this section and Section 10-6.808, the requirements in 10-6.808 shall control. Furthermore, no new communication antenna support structure shall be permitted within 1,000 feet of the landing area of a private airport that has been approved by the county pursuant to the provisions of Section 10-6.803(f) of the zoning code.
- (7) The provisions of this section shall not apply to communication antenna support structures or communication antennas located on property owned by the United States, State of Florida, Leon County, or the City of Tallahassee, provided those communication antenna support structures are owned by those public entities and are used for the provision of fire safety, law enforcement, emergency management, emergency medical services telecommunications, and/or a governmental purpose. Furthermore, the provisions of this section are not intended to apply to the siting of radio and television broadcast antenna support structures licensed by the FCC and used primarily for broadcast purposes.

SECTION 2. Section 10-6.813(a)(2)a. of the Code of Laws of Leon County, Florida, is hereby amended to read as follows:

Sec. 10-6.813 [10-1116]. Broadcast antennas and broadcast antenna support structures.

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

(1) All new broadcast antennas and broadcast 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 regulations unless otherwise specifically set forth herein.

(2) a. All broadcast antennas and broadcast antenna support structures existing on ~~(the effective date of this section)~~ July 14, 2009 shall be allowed to continue to be used as they presently exist, provided that a notice of continuing use is submitted by the broadcast antenna support structure owner/operator to the department of growth and environmental management not later than _____July 30, 2010 and no later than every three years there after. A notice of continuing use shall certify that the

structure continues to be used as a broadcast antenna or broadcast antenna support structure and that a security or performance bond has been posted in an amount to be determined by the county to cover the cost of removal plus a reasonable safety factor. The notice of continuing use shall specify the antenna support structure's use, number of collocated antennas and use, owner and contact information for the antenna support structure and all collocated antennas. Failure to file a notice of continuing use shall constitute abandonment in accordance with paragraph (p). Routine maintenance or minor modifications to accommodate additional or new broadcast antennas shall be permitted on such existing broadcast antenna support structures. New construction, other than routine maintenance and modifications, shall comply with the requirements of this section.

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

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

- (4) A broadcast antenna support structure may be rebuilt, reconstructed, or replaced, in any zoning district other than Residential Preservation, R-1, R-2, R-3, R-4, R-5, or in a recorded or unrecorded subdivision, regardless of the zoning designation. Broadcast antenna support structures proposed inside the Urban Service Area shall use construction techniques that do not require guy wires (e.g., lattice or monopole structures).

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

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

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

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

DULY PASSED AND ADOPTED BY the Board of County Commissioners of Leon County, Florida, this 19th day of January, 2010.



LEON COUNTY, FLORIDA

BY: Bob Rackleff
BOB RACKLEFF, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS

ATTEST:
BOB INZER, CLERK OF THE COURT
LEON COUNTY, FLORIDA

BY: John Stott, Deputy Clerk

APPROVED AS TO FORM:
LEON COUNTY ATTORNEY'S OFFICE

BY: Herbert W.A. Thiele
HERBERT W.A. THIELE, ESQ.
COUNTY ATTORNEY

**FLORIDA COUNTY ORDINANCE DATA RETRIEVAL SYSTEM
(CODRS) CODING FORM**

Instructions: Florida's Department of State, Bureau of Administrative Code has developed the County Ordinance Data Retrieval System (CODRS) to facilitate the tracking of County ordinances in Florida's 67 Counties. CODRS' data base is composed of over 25,000 county ordinances enacted since 1974.

We request your cooperation in completing this coding form. It is to be completed whenever your county enacts a new ordinance. Simply complete this form and include it with other pertinent ordinance information that is submitted to the Bureau of Administrative Code.

To code this form properly, please refer to the "keyfields" description sheet that has been given to your County Attorney's Office. If you do not have this sheet please contact the Bureau. We will be happy to fax one to you for referencing purposes. Please fill out this form as completely as is possible.

Thank you for your assistance. Should you need further assistance please contact the Bureau of Administrative Code, Department of State at (850)245-6270 or Suncom 205-6270.

COUNTY: (<u>LEON</u>)	COUNTY ORDINANCE # (<u>10</u> -) <small>(e.g., 00-001)</small>
PRIMARY KEYFIELD DESCRIPTOR: (<u>TELECOMMUNICATIONS</u>)	
SECONDARY KEYFIELD DESCRIPTOR: (_____)	
OTHER KEYFIELD DESCRIPTOR: (_____)	
ORDINANCE DESCRIPTION: (<u>ANTENNAS</u>) <small>(25 characters maximum including spaces)</small>	
ORDINANCES AMENDED: (List below the ordinances that are amended by this legislation. If more than two, list the most recent two.)	
AMENDMENT # 1: (<u>10-6.812</u>)	AMENDMENT # 2: (<u>10-6.813</u>)
ORDINANCES REPEALED: (List below the ordinances that are repealed by this legislation.)	
REPEAL # 1: (_____)	REPEAL # 3: (_____)
REPEAL # 2: (_____)	REPEAL # 4: (_____)
(Others repealed: List all that apply): _____	

(FOR OFFICE USE ONLY):	COUNTY CODE NUMBER: (_____)
KEYFIELD 1 CODE: (_____)	KEYFIELD 2 CODE: (_____)
KEYFIELD 3 CODE: (_____)	Rev. 4/10/01