

ORDINANCE NO. 10- _____

1
2
3
4
5
6
7
8
9
10
11
12
13
14

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.

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

17

18 | **SECTION 1.** Section 10-6.812(a)(2)a. of the Code of Laws of Leon County, Florida, is hereby
19 amended to read as follows:

20 (a) Applicability; use of existing structures.

21

22 (1) All new communication antennas and communication antenna support
23 structures in the unincorporated areas of the county shall be subject to
24 these land development regulations and all other applicable building and
25 construction codes. In the event of any conflict between other land
26 development regulations and the regulations contained in this section, the
27 provisions of this section shall override and supersede such other
28 regulations unless otherwise specifically set forth herein.

29 | (2) a. All communication antenna support structures existing on (the
30 ~~effective date of this section~~) July 14, 2009 shall be allowed to

1 continue to be used as they presently exist, provided that a notice
2 of continuing use is submitted by the communication antenna
3 support structure owner/operator to the department of growth and
4 environmental management not later than July 30,
5 2010 and no later than every three years there after. A notice of
6 continuing use shall certify that the structure continues to be used
7 as a communication antenna support structure and that a security or
8 performance bond has been posted in an amount to be determined
9 by the county To cover the cost of removal plus a reasonable safety
10 factor. The notice of continuing use shall specify the antenna
11 support structure's use, number of collocated antennas and use,
12 owner and contact information for the antenna support structure
13 and all collocated antennas. Failure to file a notice of continuing
14 use shall constitute abandonment in accordance with subsection
15 (o). Routine maintenance or minor modifications to accommodate
16 the collocation of an additional user or users shall be permitted on
17 such existing communication antenna support structures subject to
18 the criteria in (b) below. New construction, other than routine
19 maintenance and modifications to accommodate collocation on an
20 existing communication antenna support structure, shall comply
21 with the requirements of this section.

22
23 (3) For purposes of this section, a communication antenna support structure

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

6
7 (4) No rezoning or zoning variance shall be required to locate a
8 communication antenna on an existing nonresidential structure or multi-
9 family residential structure 35 feet in height or greater; provided, however,
10 that the communication antenna does not extend more than 20 feet above
11 the existing structure. Such structures may include, but are not limited to,
12 nonresidential buildings, water towers, existing communications antenna
13 support structures, recreational light fixtures and essential service provider
14 facilities.

15
16 (5) A communication antenna support structure may be rebuilt, reconstructed,
17 or replaced, in any zoning district other than residential preservation,
18 except for rebuilding, reconstructing, or replacing non-conforming
19 communication antenna support structures which may be approved only
20 through Type C site and development plan process, when done to
21 accommodate collocation of additional users, subject to all review
22 requirements in the land development regulations for Type A site plans,
23 with a notice of pendency that a communication antenna support structure

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

8
9 a. A communication antenna support structure which is modified or
10 reconstructed to accommodate the collocation of an additional
11 communication antenna shall comply with all the provisions of this
12 section, except subsections (b) and (c) and shall be of the same
13 communication antenna support structure type as the existing
14 communication antenna support structure, unless reconstructed as a
15 monopole.

16
17 b. Height.

18
19 1. An existing communication antenna support structure may
20 be modified or rebuilt to a taller height, not to exceed 30
21 feet or 20 percent of the height of the communication
22 antenna support structure, whichever is greater, over the
23 communication antenna support structure's existing height,

1 to accommodate the collocation of an additional
2 communication antenna, but in no case shall the height of
3 the communication antenna support structure and proposed
4 extension be greater than the distance to an existing
5 residential structure.

6
7 2. The height change referred to in subsection b.1 may only
8 occur one time per communication antenna support
9 structure.

10

11 c. Onsite location.

12

13 1. A communication antenna support structure which is being
14 rebuilt to accommodate the collocation of an additional
15 communication antenna may be moved onsite within 50
16 feet of its existing location, subject to the setback
17 requirements of this section.

18

19 2. After the communication antenna support structure is
20 rebuilt to accommodate collocation, the existing
21 communication antenna support structure must be
22 dismantled and removed within 60 days after the rebuilding
23 so only one communication antenna support structure may

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

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.

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

3
4 | **Sec. 10-6.813 [10-1116]. Broadcast antennas and broadcast antenna support**
5 | **structures.**

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

7
8 | (1) All new broadcast antennas and broadcast antenna support structures in
9 | the unincorporated areas of the county shall be subject to these land
10 | development regulations and all other applicable building and construction
11 | codes. In the event of any conflict between other land development
12 | regulations and the regulations contained in this section, the provisions of
13 | this section shall override and supersede such other regulations unless
14 | otherwise specifically set forth herein.

15
16 | (2) a. All broadcast antennas and broadcast antenna support structures
17 | existing on ~~(the effective date of this section)~~ July 14, 2009 shall be
18 | allowed to continue to be used as they presently exist, provided
19 | that a notice of continuing use is submitted by the broadcast
20 | antenna support structure owner/operator to the department of
21 | growth and environmental management not later than
22 | July 30, 2010 and no later than every three years
23 | there after. A notice of continuing use shall certify that the

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

- 15
- 16 b. Replacement of antennas on a broadcast antenna support structure
17 with a different antenna shall be considered routine maintenance or
18 a minor modification to accommodate a new or additional antenna,
19 provided such maintenance or minor modification does not
20 increase the height of any broadcast antenna support structure
21 more than 25 feet or ten percent, whichever is less, above the
22 initially constructed height.
- 23

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

7
8 (4) A broadcast antenna support structure may be rebuilt, reconstructed, or
9 replaced, in any zoning district other than Residential Preservation, R-1,
10 R-2, R-3, R-4, R-5, or in a recorded or unrecorded subdivision, regardless
11 of the zoning designation. Broadcast antenna support structures proposed
12 inside the Urban Service Area shall use construction techniques that do
13 not require guy wires (e.g., lattice or monopole structures).

14
15 (5) All broadcast antenna support structures proposed in the unincorporated
16 areas of the county shall comply with the requirements of Section 10-
17 6.808, "airport regulation," of the Zoning Code. If there is any conflict
18 between the requirements of this Section and Section 10-6.808, the
19 requirements in 10-6.808 shall apply. Furthermore, no new broadcast
20 antenna support structure shall be permitted within 1,000 feet of the
21 landing area of a private airport that has been approved by the county
22 pursuant to the provisions of Section 10-6.803(f) of the Zoning Code.

23

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

6
7 **SECTION 4.** Severability. If any section, subsection, sentence, clause, phrase or portion of this
8 article is for any reason held invalid or unconstitutional by any court of competent jurisdiction,
9 such portion shall be deemed a separate, distinct, and independent provision and such holding
10 shall not affect the validity of the remaining portions of this Ordinance.

11
12 **SECTION 5.** Effective date. This ordinance shall be effective according to law.
13
14
15
16
17
18
19

20 DULY PASSED AND ADOPTED BY the Board of County Commissioners of Leon County,
21 Florida, this ___ day of _____, 2010.

22
23 LEON COUNTY, FLORIDA

24
25 BY: _____
26 BOB RACKLEFF, CHAIRMAN
27 BOARD OF COUNTY COMMISSIONERS

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

31
32 BY: _____

33
34 APPROVED AS TO FORM:
35 LEON COUNTY ATTORNEY'S OFFICE

36
37 BY: _____
38 HERBERT W.A. THIELE, ESQ.
39 COUNTY ATTORNEY
40