Ordinance Summary

Wireless Antennas, Towers and Equipment Facilities

This ordinance proposes to amend Chapters III of the Lake County Land Development Regulations (LDR), entitled “Zoning District Regulations”, to update and clarify Section 3.13.00, entitled “Wireless Antennas, Towers and Equipment Facilities”, to provide for regulations concerning towers and antennas, towers within the Ferndale Community, towers and antennas within the Pinecastle Military Operation Area, and towers within the Emergency Communication Corridor, providing for examples of tower types and camouflaged towers and providing for a tower map.

Changes are shown as follows: Strike-through for deletions and Underline for additions to existing Code sections. Renumbering and/or relettering were added as needed.

Ordinance No. 2013-20

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; AMENDING THE LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS; AMENDING CHAPTER III, ENTITLED “ZONING DISTRICT REGULATIONS”, SECTION 3.13.00, ENTITLED “WIRELESS ANTENNAS, TOWERS AND EQUIPMENT FACILITIES” IN ORDER TO INCORPORATE REQUIREMENTS OF THE LAKE COUNTY 2030 COMPREHENSIVE PLAN PERTAINING TO COMMUNICATION TOWERS, PROVIDE FOR REGULATIONS CONCERNING TOWERS AND ANTENNAS, PROVIDE FOR REGULATIONS FOR TOWERS WITHIN FERNDALE, PROVIDE FOR REGULATIONS FOR TOWERS AND ANTENNAS WITHIN THE PINECASTLE MILITARY OPERATION AREA, PROVIDE REGULATIONS FOR TOWERS WITHIN THE EMERGENCY COMMUNICATION CORRIDOR, AND TO PROVIDE FOR A TOWER MAP; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVING FOR FILING WITH THE DEPARTMENT OF STATE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on September 22, 2011, the Lake County 2030 Comprehensive Plan became effective, requiring the Land Development Regulations to be updated; and

WHEREAS, Policy 1-1.1.8 of the 2030 Comprehensive Plan requires the County to adopt and maintain a set of specific and detailed Land Development Regulations that implement and are consistent with the goals, objectives and policies of the Comprehensive Plan; and

WHEREAS, on November 8, 2011, the Board of County Commissioners approved the Land Development Regulation Work Program; and

WHEREAS, the amendments to Chapter III of the LDR, entitled “Zoning District Regulations”, which includes provisions regarding Wireless Antennas, Towers and Equipment Facilities, is scheduled on the second year Agenda for the Land Development Regulations Work Program; and
WHEREAS, the Planning & Zoning Board, in its capacity as the Local Planning Agency, considered this ordinance and recommended approval at a properly advertised public hearing on March 6, 2013; and  

WHEREAS, the Board of County Commissioners (the “Board”) desires to amend Chapter III, LDR, to amend regulations pertaining to wireless antennas, towers and equipment facilities;  

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Lake County, Florida, that:  

Section 1. Recitals. The foregoing recitals are true and correct and incorporated herein by reference.  

Section 2. Amendment. Section 3.13.00, Lake County Code, Appendix E, Land Development Regulations, entitled “Wireless Antennas, Towers and Equipment Facilities”, shall be amended to read as follows:  

3.13.00 Wireless Antennas, Towers and Equipment Facilities.  

3.13.01 Purpose and Intent. The purpose and intent of these regulations is to:  

A. Adapt to the growing need for wireless communication antennas and towers by being able to act upon requests to place, construct and modify any Wireless Communications Antenna and/or Tower within a reasonable amount of time.  

B. Reasonably accommodate amateur Communications, and to represent the minimum practicable Regulation thereof.  

C. Protect existing Land Uses from potential adverse visual impacts through sound planning, careful review of applications, proper permitting and adherence to appropriate Regulations.  

D. Allow for Wireless Communications competition following the adoption of the Federal Telecommunications Act of 1996.  

E. Preserve and enhance radio communications throughout Lake County in times of emergencies that threaten the life, safety and welfare of Lake County residents, businesses and properties to include the establishment of easements, covenants and agreements necessary to address issues, such as fiber-optic cabling, associated with the provisions of emergency communication(s).  

These Regulations are intended to accomplish these goals through careful design, Siting, Landscape Screening and the encouragement of innovative camouflaging techniques.  

3.13.02 Compliance with County, State and Federal Other Laws and Regulations. All Communications Towers, Antennas, and Equipment Shall comply with:  

A. The Lake County Comprehensive Plan and Land Development Regulations.
B. All applicable fire safety codes, building codes, and technical codes adopted by Lake County.

C. All applicable Federal and State Regulations.

D. Evidence of compliance with FAA requirements shall be submitted where applicable. This evidence shall include a copy of the submitted FAA Form 7460-1, attachments submitted with the form, and a copy of any FAA responses.

3.13.03 Structural Design.

A. All Communications Towers must be designed so that in the event a Communications Tower falls, it shall collapse only within the property lines of the Lot on which the Communications Tower is located. No Building Permit Shall be issued unless the applicant provides verification of compliance from an engineer registered by the State of Florida.

B. To ensure the structural integrity of Wireless Communications Towers, the owner of a Wireless Communications Antenna and/or Tower shall ensure that it is constructed and maintained according to TIA/EIA-Standard 222, as amended from time to time, ASCE-7, as amended from time to time, and all County adopted construction/building codes. No building permit shall be issued unless the applicant submits site plans sealed and verified by an engineer licensed in the State of Florida that proves compliance with the adopted structural codes in effect at the time of the said improvement or addition.

C. Applicants for new communication towers are encouraged, but not required, to reserve space to accommodate the placement of any needed emergency communication apparatus and/or device(s) on the structure or the ground compound as requested by the Lake County Public Safety Department.

D. Camouflaged Wireless Communications Structures.

1. Camouflaged Wireless Communications Structures designed to blend in with the existing built or Natural Environment are exempt from the Fencing and Landscaping requirements of this Section 3.13.10 Fencing, and 3.13.11 Landscaping

2. Camouflaged Wireless Communications Structures shall comply with all other Regulations and standards. In making the determination that a Wireless Communications Structure is considered to be camouflaged, the County Manager or designee shall consider:

   a. Logic of design.
   b. Height in relationship to the height of nearby Structures.
   c. Scale in relationship to the size and proportions of nearby Structures.
   d. Structure materials and color selection.
   e. Compatibility with surrounding Uses.
3. There are numerous ways to camouflage a wireless communication tower. Below are two examples.

3.13.04 Radiation Emission Standards. The Communications Tower and Communication Antennae must meet the radiation emission standards set by the FCC. The applicant shall provide evidence that the Communications Tower and Communication Antennae meet the FCC standards where applicable.

3.13.05 Towers within the Ferndale Community. Communication towers within the Ferndale Community shall be camouflaged or housed within traditional structures, such as church steeples or flag poles, or otherwise disguised to protect viewscape, where possible, as determined by the County Manager or designee.

3.13.06 Towers and Antennas within the Pinecastle Military Operation Area. The U.S. Navy Pinecastle Range Complex (Range) Military Operations Area (MOA) is the special use airspace designated by the Federal Aviation Administration and utilized by the U.S. Military for training and exercises overlying parts of northern Lake County and administered by the United States Navy. A map showing the location of the MOA is located at the end of this section (Tower Map – Pinecastle Military Operation Area). The following shall apply within the MOA:

A. Towers within the Pinecastle Operation Area shall be limited to self-supporting towers; and

B. The County shall coordinate with the Navy when an application to place a tower or antenna within the MOA is submitted; and

C. Written evidence from the Range that the location, height and operation of the tower or antenna does not adversely affect the operations and mission of the Range will be required; and

D. A tower or antenna shall not be approved by the County if the Range certifies that the tower or antenna would constitute an unacceptable encroachment or interference with safe operations related to the mission of the facility.

A. Wireless (Wi-Fi) Towers, or Wireless Communications Towers, Antennas and Equipment Facilities owned and operated by a federally-licensed amateur radio station operator or which are used exclusively for receive only antennas shall be permitted as follows:

1. Towers/Antennas up to one hundred (100) feet in height Shall be permitted in all Zoning Districts.
2. These Towers/Antennas up to two hundred (200) feet in height Shall be permitted on lots containing a minimum of five (5) acres in the A, RA, A-1-20, A-1-40 Zoning Districts, Rural, Rural Transition, A-1-20 Receiving/Sending Areas, A-1-40 Sending Area and in the Green Swamp Area of Critical State Concern Rural, Rural/Conservation and Core/Conservation Future Land Use Categories. The maximum height permitted in all cases is subject to FAA review and approval.

B. Setbacks Shall be measured from the base of the Wireless Communications Tower to the property line of the parcel on which it is located. Normal Zoning District setbacks Shall apply.

C. Anti-climbing devices Shall be installed on each tower.

D. No other provisions of Section 3.13.00 Shall apply to Wi-Fi or Amateur Radio Station operators/receive only antennas with the exception of 3.13.02, Compliance with Other Laws and county, state and federal Regulations, and 3.13.04, Radiation Emission Standards, 3.13.05 Towers Within the Ferndale Community and 3.13.06 Towers and Antennas within the Pinecastle Military Operation Area, where applicable.

3.13.0806 Measurement and Lot Size.

A. Measurement. For purposes of measurement, tower setbacks and separation distances Shall be calculated and applied to Facilities located in Lake County regardless irrespective of Municipal and County jurisdictional boundaries.

B. Lot Size. For purposes of determining whether the installation of a Tower or Antenna complies with district-development regulations, including but not limited to Setback Requirements, lot-coverage Requirements, and other such requirements, the dimensions of the entire lot Shall control, even though the antennas or towers may be located on leased parcels within such lot.

3.13.0907 Setbacks.

A. Equipment facility and guyed support structures shall have to meet a setback of twenty-five (25) feet from property lines or the Zoning District setback, whichever is greater.
B. Towers Shall be:
   1. Centered within the boundaries of the Property recognized as the parent parcel on the official zoning map by the Department of Growth Management;
   2. Maintain a minimum setback of one hundred (100) feet from the Property Line;
   3. Be and be measured and reported using Global Position System coordinates for the center of the Tower; and
   4. if applicable, Shall meet both the requirements in Table 1 below:

Tower Table 1 - Additional Tower Setbacks

<table>
<thead>
<tr>
<th>From R1, R2, R3, R4, R6, R7, R10, RP, RMRP, RM, Residential or PUD Zoned Lands (or similar municipal zonings) in the Urban Low, Urban Medium, Urban High, Mt. Plymouth-Sorrento Main Street, Mt. Plymouth-Sorrento Receiving Area or Green Swamp Ridge Future Land Use Categories, and in similar municipal zonings and land use categories. Urban, Urban Expansion, Rural-Village, Mount Plymouth-Sorrento Urban Compact Node, Ridge; Transitional</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lattice</td>
</tr>
<tr>
<td>Guyed</td>
</tr>
<tr>
<td>Monopole</td>
</tr>
<tr>
<td>Camouflage</td>
</tr>
<tr>
<td>From any Single-Family or Duplex Residential Unit</td>
</tr>
</tbody>
</table>

If the Owner of the Property where the Tower is to be located owns Residential units thereon or on surrounding properties (or if such properties are owned by his or her parents or children and they have consented in writing), those units Shall not be taken into consideration when calculating the Setback requirements of this section.

### 3.13.1009 Separation between Towers.

A. Wireless Communications Tower separation Shall be measured using Global Position System (GPS) coordinates for the center of the Tower. Wireless Communications Towers Shall meet the following separation requirements:

Tower Table 2 - Wireless Communications Tower Separation

<table>
<thead>
<tr>
<th>Existing Tower Type</th>
<th>Proposed Tower Type</th>
<th>Proposed Tower Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lattice or Self-Supporting</td>
<td>Lattice or Self-Supporting</td>
<td>5,000 feet</td>
</tr>
<tr>
<td>Guyed</td>
<td>Guyed</td>
<td>5,000 feet</td>
</tr>
<tr>
<td>Monopole &gt;150</td>
<td>Monopole &gt;150</td>
<td>3,500 feet</td>
</tr>
<tr>
<td>Monopole 150 or less</td>
<td>Monopole 150 or less</td>
<td>500 feet</td>
</tr>
</tbody>
</table>
A. Use of Existing Conforming Structures. Wireless Communication Antenna placement is permitted with Site Plan Review; and approval by the County Manager or designee.
on any existing conforming non-residential Structure other than Communication Towers if the Communication Antenna does not cause the combined height of the Structure and Antenna to exceed one hundred fifty (150) percent of the height of the Structure. NeA CUP or rezoning to CFD is not required for this type of placement.

B. Use of Existing Towers. Lake County encourages the use of existing Towers for the location of additional antennas. Additional Antennas, including emergency communication(s) antennas, may be placed on existing conforming towers, excluding Amateur Radio Towers and Receive Only Antennas, without Site Plan Review provided there is not an increase in height. Applications for co-location Shall include written permission from the Tower owner accompanied by sealed and verified testimony by an engineer licensed in the State of Florida that the Tower can hold the additional equipment and maintain compliance with the adopted Structural codes in effect at the time of said improvement or addition. Additional Antennas placed on camouflaged towers shall be placed so as to match with the existing camouflaged structure.

3.13.12 Fencing. A chain link fence or wall not less than six (6) feet from finished grade Shall be provided around each communications Tower and support facilities. In commercial and industrial Zoning Districts, barbed wire or other appropriate anti-climbing device Shall be used along the top of the fence or wall. The area to be fenced Shall surround and enclose as a single entity or individually, the tower, all supporting Structures including guyed grounding points, and equipment facilities. Access to the Communications Tower Shall be through a locked gate.


A. The visual impact of a communications tower Shall be mitigated for nearby viewers through landscaping at the base of the Communications Tower and ancillary structures. Landscaping Shall be installed on the outside of fences or walls except in agricultural zoned lands as follows: areas.

B.1. A Type A Buffer (Section 9.01.06.B, Table 2) shall be used; the Existing vegetation Shall be preserved to the maximum extent practicable and may be used as a substitute of or in supplement toward meeting the Type A Buffer requirements, following landscaping requirements:

1. A row of shade trees a minimum of ten (10) feet tall, two and one-half (2 1/2) inches in diameter measured at breast height and a maximum of twenty (20) feet apart Shall be planted around the perimeter of the fence.

2. A continuous hedge of at least twenty-four (24) inches high at planting of sufficient health and quality capable of growing at least thirty-six (36) inches in height within eighteen (18) months Shall be planted in front of the tree line referenced above.

3. All landscaping Shall be of the evergreen variety.

4. All landscaping Shall be drought tolerant and suited to the site Soil conditions (xeriscape) or irrigated and properly maintained to ensure good health and
viability.

BC. At the public hearing at which the CFD zoning or Conditional Use Permit is approved, the Board of County Commissioners may waive all or part of the landscaping requirements if the Board finds it is not necessary to mitigate the visual impact for nearby viewers.

3.13.14 Modification or Rebuilding. Existing conforming Communications Towers, excluding Amateur Radio Towers and Receive Only Antennas, may be modified or rebuilt to accommodate co-location of additional communications Antennas without a public hearing provided there is not an increase in height. The modified or rebuilt tower must be the same type as the previously existing tower and there must be an executed written agreement showing there will be at least one (1) additional user utilizing the Tower upon rebuild or modification.

3.13.15 Illumination. Communications Towers Shall not be required to be artificially lighted except to assure human safety or as required by the Federal Aviation Administration. If the FAA requires lighting and there are residential uses found within a distance that is three hundred (300) percent of the height of the Communications Tower, dual-mode lighting Shall be requested from the FAA.

3.13.16 Finished Color. Communications Towers not requiring FAA painting/marking Shall have a galvanized finish or be painted in a neutral color.

3.13.17 Signage.

1. Signage unless otherwise required by law on perimeter fences Shall be limited to:
   a. Federal Communications Commission (FCC) registration.
   b. Trespassing, danger/warning, or emergency directions.
   c. One sign not to exceed four (4) square feet in size providing Tower owner and leasing information.

2. Each User Shall be permitted two (2) square feet of signage on equipment facilities providing ownership information and/or emergency directions.

3. No signage Shall be Permitted on Towers or Antennas.

3.13.18 Removal of Abandoned Antennas and Towers. Any Antenna or Tower that is not operated (all users cease using the tower) for a continuous period of twelve (12) months Shall be considered abandoned, and the owner of such antenna or tower Shall remove the same within ninety (90) days of receipt of notice from Lake County notifying the owner of such abandonment. Failure to remove an abandoned Antenna or Tower within said ninety (90) days Shall be grounds to remove the Tower or Antenna at the owner's expense. If there are two (2) or more users of a single Tower, then this provision Shall not become effective Until all Users cease using the Tower.

3.13.19 Conditional Use and Community Facility District (CFD) Criteria. In determining a Conditional Use or CFD request for a Communication Tower in addition to
those criteria set forth in Lake County Code, Section 14.05.06, the Board of County Commissioners shall take into consideration whether or not the proposed Tower will have a substantial adverse aesthetic impact on neighboring residential lands and compatibility of a camouflaged Tower in a given area. The Board of County Commissioners' determination shall be based on relevant and competent evidence, documentation, and testimony received at the public hearing from the staff, the applicant and any party in support or opposition, or their respective representatives. The Board of County Commissioners shall utilize the following criteria:

A. The following non-comprehensive list of items shall be considered when reviewing for Aesthetic impacts: This means view of a Tower that is not camouflaged. Aesthetic impact shall take into consideration, but not be limited to, the amount of the Tower that can be viewed from surrounding residential zones in conjunction with its proximity (distance) to the residential zone, mitigation—landscaping, existing character of surrounding area, or any other visual options proposed by the applicant. The tower may be placed, designed, or camouflaged to assist with mitigating the overall aesthetic impact.

B. Compatibility. This means The degree to which a Tower is designed and located in order to be compatible with the nature and character of other land uses and/or with the environment within which the Tower is proposed to be located. The tower may be placed, designed, or camouflaged to assist with compatibility mitigating the overall aesthetic impact of a tower. A camouflaged Tower agent shall be designed to be compatible with the surrounding land uses and the environment.

C. Minimum Standards: In addition to the above, the minimum performance standards with respect to separation between Towers, separation between residential uses and Towers, etc., as referenced in Section 3.13.00 herein, shall be met. These standards, however, are minimum standards. The Board of County Commissioners is empowered to impose more restrictive conditions on a Conditional Use Permit or CFD request in order to recommend approval so as to achieve the desired protection with respect to aesthetic impact and harmony and compatibility with the surrounding community. The determination by the Board of County Commissioners to impose more restrictive conditions shall be based on substantial competent evidence that supports the modification and consistency of the modification with the purpose and intent of this section.
Section 3. Severability. If any section, sentence, clause or phrase or the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portion of this Ordinance.

Section 4. Inclusion in the Code. It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Lake County Code and that the sections of this Ordinance may be renumbered or relettered and the word “ordinance" may be changed to “section", “article" or such other appropriate word or phrase in order to accomplish such intentions.

Section 5. Filing with the Department of State. The clerk shall be and is hereby directed forthwith to send a certified copy of this Ordinance to the Secretary of State for the State of Florida.

Section 6. Effective. This Ordinance shall become effective upon filing with the Secretary of State.

Enacted this 23rd day of April, 2013.
Filed with the Secretary of State May 3, 2013.

ATTEST:

Neil Kelly, Clerk of the
Board of County Commissioners
of Lake County, Florida

Board of County Commissioners
OF LAKE COUNTY, FLORIDA

Sanford A. Minkoff
County Attorney

Leslie Campione, Chairman

Approved as to form and legality:

Sanford A. Minkoff