

1 **Ordinance Summary:**

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3 The Land Development Regulations currently permit all existing communications towers,
4 whether conforming or nonconforming, to be modified or rebuilt to allow co-location of
5 additional communications antennae without Site Plan Review or a public hearing, provided
6 there is no increase in height. This ordinance specifically exempts Amateur Radio Towers and
7 Receive Only Antennas from these co-location provisions, so that an existing Amateur Radio
8 Tower or Receive Only Antenna cannot be modified to allow co-location of another
9 communication antenna.

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12 **ORDINANCE NO. 2009 – _____**

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14 **AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF**
15 **LAKE COUNTY, FLORIDA, AMENDING SECTION 3.11.04,**
16 **TERMINATION OF NONCONFORMING USES AND DEVELOPMENT,**
17 **LAKE COUNTY LAND DEVELOPMENT REGULATIONS; AMENDING**
18 **SECTION 3.13.09A, COMMUNICATION ANTENNA CO-LOCATION;**
19 **AMENDING SECTION 3.13.12, MODIFICATION OR REBUILDING;**
20 **MAKING ALL CHANGES FOR THE PURPOSE OF EXEMPTING**
21 **AMATEUR RADIO TOWERS AND RECEIVE ONLY ANTENNAE FROM**
22 **THE PROVISIONS ALLOWING CO-LOCATION OF ADDITIONAL**
23 **COMMUNICATIONS ANTENNAE ON EXISTING COMMUNICATIONS**
24 **TOWERS; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING**
25 **FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

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27 **WHEREAS,** the Land Development Regulation (LDR) provisions on Wireless
28 Antennas, Towers and Equipment Facilities are crafted to reasonably accommodate amateur
29 communications activities; and

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31 **WHEREAS,** the Land Development Regulations as currently written would allow an
32 applicant to co-locate additional communications antennae on existing Amateur Radio Towers or
33 Receive Only Antennae; and

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35 **WHEREAS,** while Lake County encourages the co-location of wireless antennas, the co-
36 location of additional communications antennae with Amateur Radio Towers or Receive Only
37 Antennae suggests a change in the nature of the communications activity on the property from
38 amateur to non-amateur or professional; and

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40 **WHEREAS,** the Board of County Commissioners of Lake County accordingly desires to
41 exempt Amateur Radio Towers or Receive Only Antennae from the LDR provisions that allow
42 co-location of new antennae with existing towers or antennae;

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44 **NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of
45 Lake County, Florida that:
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1 provided there is not an increase in height. The modified or rebuilt tower must be the same type
2 as the previously existing tower and there must be an executed written agreement showing there
3 will be at least one (1) additional user utilizing the Tower upon rebuild or modification.
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5 **Section 5. Severability.** If any section, sentence, clause, or phrase of the Ordinance
6 is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding
7 shall in no way affect the validity of the remaining portion of this Ordinance.
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9 **Section 6. Inclusion in the Code.** It is the intent of the Board of County
10 Commissioners that the provisions of this Ordinance shall become and be made a part of the
11 Lake County Code and that the sections of this Ordinance may be renumbered or relettered and
12 the word "ordinance" may be changed to "section", "article", or such other appropriate word or
13 phrase in order to accomplish such intentions.
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15 **Section 7. Effective Date.** This ordinance shall become effective as provided for by
16 law.

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18 Enacted this ____ day of _____, 2009.

19
20 Filed with the Secretary of State _____, 2009.

21
22 Effective this ____ day of _____, 2009.
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24
25 BOARD OF COUNTY COMMISSIONERS
26 OF LAKE COUNTY, FLORIDA
27

28 _____
29 Welton G. Cadwell, Chairman
30

31 This ____ day of _____ 2009.

32 ATTEST:

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34 _____
35 Neil Kelly, Clerk of the
36 Board of County Commissioners
37 of Lake County, Florida
38

39
40 Approved as to form and legality:

41
42 _____
43 Sanford A. Minkoff
44 County Attorney