

1 **for collocation, setting requirements for towers in residential areas,**
2 **adding new definitions of terms used, and imposing time limits for**
3 **processing applications.**

4
5 Section 2, subsection F, of Appendix A, Article II, Hernando County Code of
6 Ordinances, is hereby amended to read as follows, with new matter underlined and
7 deleted material struck-through:

8 F. Regulation of Communication Towers: The purpose of the regulations for
9 communication towers is to provide general guidelines for the location of these types
10 of facilities, with the goal of encouraging the location of towers in appropriate areas,
11 encouraging the joint use of and collocation of new and existing facilities, encourage
12 the use of camouflage techniques where appropriate, and encourage the users of
13 towers and antennas to locate and configure in a way that minimizes the visual
14 impacts. The requirements shall not have the effect of prohibiting the provision of
15 telecommunications service, shall not have the effect of discriminating among
16 providers, and shall not regulate the placement of facilities based upon the
17 environmental effects of radio frequency emissions if they comply with FCC rules on
18 radio emissions. All communication towers shall comply with the requirements of
19 the Federal Aviation Administration (FAA), the Federal Communications
20 Commission (FCC) and shall be subject to the following regulations, except where
21 otherwise provided for in the Zoning Ordinance.

- 22
23 i. Color and camouflage techniques: Communication towers, except
24 camouflaged towers, shall have a galvanized finish or shall be painted
25 with a gray or blue-gray finish, unless required by the Federal Aviation

1 Administration or the Federal Communications Commission to be
2 painted in another color scheme. Camouflage techniques shall be
3 utilized where feasible, and if determined infeasible, the applicant shall
4 submit a written justification as to the reason.

5
6 ii. Illumination: Communication towers shall not be lighted except to
7 assure human safety or as required by the Federal Aviation
8 Administration or the Federal Communications Commission.

9
10 iii. Fencing: A chain link fence or wall not less than six (6) feet in height
11 and no greater than eight (8) feet in height shall be installed by the
12 owner/operator of the communication tower. The fence shall be
13 erected around the base of the communication tower and all accessory
14 structures. In addition, all accessory equipment and structures shall be
15 screened to an 80% opacity by natural vegetation or new landscaping
16 that achieves the required opacity within one year of planting, which
17 shall also be maintained for the life of the communication tower by the
18 owner/operator. Where irrigation is not available, accessory equipment
19 may be screened by an opaque fence. All anchor points of the guy wires
20 of a guyed tower shall be fenced.

21
22 iv. Signage: Except for warning signs such as “No Trespassing”, signs
23 required by a regulating authority and signs that state ownership and
24 emergency telephone numbers, no signage will be permitted on the
25 communication tower. No communication tower site shall have more

1 than five signs and at no time shall a single sign be greater than two
2 square feet.

- 3
4 v. Structural Design: All communication towers, and utility and light
5 structures that support antenna arrays, shall be constructed in
6 accordance with ~~the most current standards of the Electronic Industries~~
7 ~~Association~~, all applicable Hernando County construction and building
8 codes, all applicable land development regulations and Federal and
9 State laws.

10
11 vi. Collocation

- 12
13 a. All new or replacement communication towers, greater than 100
14 feet in height, erected within the County shall be structurally
15 designed to support ~~no less than a minimum of two (2)~~ four (4)
16 ~~antenna arrays users.~~ For towers less than 100 feet, a minimum
17 of two (2) users must be provided for. For the purpose of this
18 ordinance, the owner/operator of a new or replacement
19 communication tower shall provide the County with a statement
20 indicating its good faith intent to ~~allow~~ provide for additional
21 ~~antenna arrays users~~ on the tower.

- 22
23 b. The single addition of no more than sixty (60) feet to the height
24 of any existing or new electric utility structure that carries an
25 electric line of 69 kv or greater shall be a permitted use in any

1 Zoning District ~~for the purpose of collocation~~. For the purposes
2 of this ordinance, any new or replacement electric utility
3 structure, which supports an antenna array, shall not be more
4 than sixty (60) feet higher than any existing power support
5 structures in the immediate transmission line area unless
6 otherwise permitted by the district in which it is located.

- 7
- 8 c. The single addition of no more than forty (40) feet to the height
9 of any existing communication tower or other existing structure
10 appropriate for antenna location shall be a permitted use in any
11 non-Residential zoning district or any Public Service Facility
12 Overlay District ~~for the purpose of collocation~~, provided the
13 maximum height of the communication tower has not been
14 specified by a performance condition of a previous approval. ~~For~~
15 ~~the purposes of collocation~~, Any such new or replacement
16 structure shall not be more than forty (40) feet higher than the
17 structure replaced. Where the antenna is attached to an existing
18 structure other than a co-location on an existing communication
19 or electric transmission tower, alternate materials, textures and
20 camouflage techniques shall be utilized to conceal the facility.
21 ~~Additionally, any freestanding tower placed within ten (10) feet~~
22 ~~of a structure is allowed as long as that it does not exceed the~~
23 ~~height of the structure by forty (40) feet.~~

- 24
- 25 d. Any existing communication tower, within any zoning district,

1 may allow for collocation as a permitted use, and is subject to
2 only administrative and building permit review provided all
3 applicable requirements of the State and County are met.

4
5 e. Camouflaged antennas that are mounted directly on an existing
6 structure appropriate for antenna location may be allowed as a
7 permitted use, and are subject to only administrative and
8 building permit review provided all applicable requirements of
9 the State and County are met. The camouflaged antenna shall be
10 consistent with the design and aesthetics of the structure upon
11 which the antenna is mounted. with brackets or a similar type of
12 device shall not be subject to the single communication tower
13 and antenna array requirement. This use shall not be allowed in
14 single family residentially zoned districts, unless such property
15 is used or designated for a nonresidential use.

16
17 ~~f. Communication towers and antenna arrays that are collocated on~~
18 ~~existing structures and are camouflaged shall not be subject to~~
19 ~~the single communication tower and antenna array requirement.~~

20
21 ~~g. f.~~ Monopole towers 150 feet or less in height shall be a permitted
22 use in all electrical substations.

23
24 ~~h. g.~~ All antenna arrays and their attachments that are utilized for
25 collocation shall meet engineering standards and shall secure

- 1 d. Setbacks for communication towers shall be measured from the
2 base of the tower.
3
- 4 e. Anchors for guy wires shall meet the required setbacks of the
5 zoning district.
6
- 7 f. Accessory structures shall meet the required principal structure
8 setbacks of the zoning district.
9
- 10 8. Replacement of communication towers: All communication towers,
11 whether conforming or nonconforming, shall be subject to the following
12 replacement requirements, if applicable:
13
- 14 a. A communication tower may be replaced with the same type of
15 tower construction, ~~or a monopole tower~~ or a camouflaged tower.
16
- 17 b. A communication tower may be replaced with a tower of equal or
18 lesser height.
19
- 20 c. A replacement communication tower must be located within
21 thirty feet of the communication tower it will be replacing.
22
- 23 d. A replacement communication tower must meet all the
24 requirements of this ordinance for color, illumination, fencing,
25 signage, structural design, and collocation. The replacement

1 communication tower shall maximize conformance with setbacks
2 required in this ordinance.

- 3
4 e. If a conflict arises between the replacement of communication
5 towers and permitted uses allowed under this ordinance, then
6 the permitted use standards shall take precedence.

- 7
8 9. Residential Areas: The applicant for a communication tower in a
9 residential area or residential zoning district must demonstrate that
10 residential areas cannot be adequately served from outside the
11 residential area and that alternate locations are not available.
12 Communication towers may be excluded in a residential area or
13 zoning district only in a manner that does not constitute an actual or
14 effective prohibition of the provider's service in that residential area
15 or zoning district.

16
17 ~~9.~~ 10. Abandonment

- 18
19 a. In the event that the use of any communication tower has been
20 found to be discontinued, as determined by the Zoning
21 Administrator, for a period of 120 consecutive days, the
22 communication tower shall be deemed to have been
23 abandoned.
24
25 b. Once a communication tower has been found to be abandoned,

1 the owner/operator will have a period of 60 days from the date
2 that the Zoning Administrator mails the notification via
3 certified mail, to either:

- 4
- 5 1. Reactivate the use of the communication tower or
 - 6 transfer the tower to another owner/operator who must
 - 7 make use of the tower within the 60 days; or
 - 8
 - 9 2. Dismantle and remove the tower.

10

11 ~~10.~~ 11. Prior to receiving a building permit for construction of a
12 telecommunications tower, security shall be provided to guarantee
13 removal of the tower should it become abandoned. Security can be
14 provided in one of the following forms:

- 15
- 16 a. Performance bond
 - 17 b. Cash deposit
 - 18 c. Insurance policy

19

20 The amount of security will be based on a cost estimate for the
21 removal of the tower. The petitioner shall provide a cost estimate
22 sealed by a Florida professional engineer and confirmed by the
23 County Engineer. The security must be kept in force as long as the
24 tower is in place.

1 ~~11.12.~~ Legal Description:

2
3 At the time of ~~Development Review Committee~~ permit review, the
4 petitioner shall provide the ~~Commercial Development Department~~
5 with a legal description and survey showing the area on which the
6 proposed tower will be built.

7
8 13. Definitions pertaining to Communication Towers:

9
10 a. Camouflage Techniques - Sometimes referred to as a
11 concealed or stealth facility. A tower or antenna designed to
12 unobtrusively blend into the existing surroundings, be
13 disguised so as to not have the appearance of a
14 communications facility, or be designed or located in a manner
15 that the tower or antenna is not easily discernable from the
16 ground. These types of facilities may be attached or
17 freestanding. Attached facilities may be camouflaged through
18 the use of faux windows, dormers or other architectural
19 elements to blend in with the building or structure. Examples
20 of freestanding facilities include the form and shape of
21 a tree, bell tower, steeple, clock tower, flagpole or other
22 technique which serves to diminish the visual impact of a
23 tower or antenna.

24
25 b. Collocation- Means the situation when a subsequent

1 provider uses an existing tower or structure to locate a
2 subsequent antenna and includes all equipment associated
3 with the operation of the antenna.

4
5 c. Existing Structure- Means a structure that exists at the time of
6 application, and includes any structure that can structurally
7 support the attachment of one or more antennas in compliance
8 with all applicable codes and may include, but is not limited to,
9 signs, light poles, water towers, buildings, transmission
10 towers, steeples or other freestanding structure.

11
12 14. Applicants for communication towers shall be notified within 20
13 business days whether the application is complete. If the application
14 is incomplete the County shall notify the applicant of the missing
15 items or deficiencies. After the missing information is resubmitted,
16 the County shall have an additional 20 days to make a determination
17 of completeness. Once a determination has been made regarding
18 completeness, applications for permitted uses shall be processed
19 within 45 business days, and applications for facilities that require
20 public hearings shall be processed within 90 business days. The
21 applicant and the County may mutually agree to extend these
22 timeframes.

23
24 **SECTION 2. Amending Appendix A, Article IV, Section 11, subsection**
25 **B.(6), Special Regulations, to provide for additional standards and**
26 **evidence required to support applications for a Public Service Facility**

1 **Overlay District for a communication tower.**

2
3 Section 11, subsection B(6), of Appendix A, Article IV, Hernando County
4 Code of Ordinances, is hereby amended to read as follows, with new matter
5 underlined and deleted material struck-through:
6

7 (6) The following criteria must be met prior to the approval of a Public Service
8 Facility Overlay District (PSFOD) for a communication tower site:

9 (a) The minimum setbacks provided for in this ordinance must be met ~~and~~
10 and the PSF Overlay shall apply to a defined compound area for that tower
11 and associated facilities only.

12 (b) As part of the procedure when applying for a PSF, an applicant shall
13 provide proof that a provider is connected with the application if the
14 provider is not the applicant by the provision of a lease agreement or other
15 documentation that commits a provider to locate on the proposed tower
16 and must submit to the County for inclusion in the record of any
17 subsequent public hearing on the application the following materials:

18 (1) A map showing the search ring utilized by the applicant in
19 determining the appropriate location; and, in the case of a PSF
20 in a residential area, a depiction of how the proposed location
21 permits provision of service that cannot reasonably be
22 provided from outside the residential area;

23 (2) An inventory and a map showing all existing structures and
24 towers within the search ring that ~~were~~ are available for
25 collocation;

- 1 (3) A map showing all existing Public Service Facility Overlay
2 Districts (PSFOD) and towers or existing structures of an
3 appropriate height, within the search ring; The map shall also
4 indicate all PSFODs which have been approved for the
5 placement of communication towers.
- 6 (4) An analysis certificate by an engineer licensed by the State of
7 Florida, demonstrating how the tower location enhances the
8 provision of service to areas not served or underserved by
9 existing facilities and attesting that he/she has reviewed the
10 propagation maps and radio frequency data, and that the
11 submitted search ring is an accurate representation of the
12 location~~al~~ and height requirements for the antenna array. The
13 applicant shall also attest that coverage can not be provided
14 from an existing structure or tower site.
- 15 (5) Provide evidence that the applicant has pursued collocation, ~~or~~
16 use of approved sites, and use of existing structures of an
17 appropriate height. Evidence shall consist of copies of all
18 correspondence between the petitioner and the owner,
19 operator, or manager of other structures, towers or land which
20 can be utilized for collocation or the construction of a
21 communication tower, ~~requesting space and general rate~~
22 ~~structure for leasing, stating radio frequency and structural~~
23 ~~requirements, and any FCC limitations that may exist. All~~
24 ~~correspondence shall be sent via certified mail with the return~~
25 ~~cards submitted to the County.~~ Evidence shall also be

1 provided as to the following matters, to the extent applicable to
2 the application:

- 3 i. no existing towers or structures are located within
4 the geographic area required to meet the
5 provider's engineering requirements,
6 ii. existing towers and structures are not of a
7 sufficient height to meet the provider's
8 engineering requirements,
9 iii. existing towers or structures do not have
10 sufficient structural strength to support the
11 provider's proposed antenna requirements,
12 iv. existing towers or structures would cause
13 electromagnetic interference,
14 v. the costs to add to an existing tower or structure
15 exceed the development costs for a new tower,
16 and/or
17 vi. the applicant demonstrates other limiting factors
18 that render existing towers or structures
19 unsuitable

20 (6) A visual line of sight analysis, including photo-simulated post
21 construction renderings, to enable the County to assess the
22 visual impact upon surrounding properties. Photo
23 simulations shall depict the tower and antenna arrays for
24 all potential collocated users.

- 1 (7) A description of viable alternatives for utilizing camouflage
2 techniques.
- 3 (8) Proper access and parking for service vehicles must be
4 demonstrated.
- 5 (c) ~~The petitioner must demonstrate that there are no viable alternatives~~
6 ~~to the approval and construction of the new communication tower.~~
7 For residential areas or districts the applicant must demonstrate to
8 the satisfaction of the County that service cannot be provided from
9 outside the residential area and that no alternative locations are
10 available.
- 11 (d) Be compatible with the surrounding land uses:
- 12 (1) Shall not have a negative material impact on surrounding land
13 uses,
- 14 (2) Shall not have a negative material impact on infrastructure, or
15 (3) Shall not have negative material environmental impacts as
16 allowed to be reviewed by applicable laws.
- 17 (4) Shall have minimal visual and functional conflict between the
18 proposed use and nearby neighborhood uses.
- 19 (e) Submit a balloon test, which will allow the Board of County
20 Commissioners to evaluate the impact of the communication tower
21 on the surrounding land uses and the compatibility of the
22 communication tower. This test shall consist of:
- 23 (1) A balloon colored red, orange, or yellow and be no less than
24 four feet in diameter;

- 1 (2) The balloon is to be flown at the height of the proposed tower
2 or a maximum of 199 feet if the tower is greater than 199 feet;
- 3 (3) The balloon is to be flown for three consecutive days; except in
4 the event of inclement weather, with the petitioner notifying
5 the County of the delay. Nothing in this requirement should
6 be construed as not having to fly the balloon for three days.
- 7 (4) The balloon is to be flown for a period of at least three hours
8 per day between the hours of 7 am and 10 am;
- 9 (5) The balloon test can not commence until after the posting and
10 mailing of notice to the public;
- 11 (6) The applicant shall provide the Planning Department with 24
12 hour notice prior to the commencement of the balloon test;
13 and,
- 14 (7) The applicant shall provide the Planning Department a signed
15 affidavit, prior to the Planning and Zoning Commission
16 meeting, attesting to the applicant having conducted the
17 balloon test.
- 18 (f) All other requirements of this ordinance.

19
20 **SECTION 3. Severability.**

21 It is declared to be the intent of the board of county commissioners that if
22 any section, subsection, clause, sentence, phrase, or provision of this ordinance is
23 for any reason held unconstitutional or invalid, the invalidity thereof shall not
24 affect the validity of the remaining portions of this ordinance.

SECTION 4. Inclusion in the Code.

It is the intention of the Board of County Commissioners of Hernando County, Florida, and it is hereby provided, that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end, any section or subsection of this Ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section, "article", or other appropriate designation.

SECTION 5. Effective date.

This ordinance shall take effect immediately upon receipt of official acknowledgment from the office of the Secretary of State of Florida that this ordinance has been filed with said office.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY in Regular Session this 24 day of July 2007.

**BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA**

Attest: Karen Nicolai

KAREN NICOLAI, CLERK

By: Jeff Stabins

JEFF STABINS, CHAIRMAN

