



ORDINANCE 91- 84

SECRETARY OF STATE

SEP 19 10 04 AM '91

FILED

AN ORDINANCE AMENDING ORDINANCE 82-2, THE COMPREHENSIVE ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF COLLIER COUNTY BY AMENDING SECTION 8, SUPPLEMENTARY DISTRICT REGULATIONS BY ADDING THERETO SUBSECTION 8.10A, COMMUNICATION TOWERS, PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on January 5, 1982, the Board of County Commissioners approved Ordinance Number 82-2, which established the Comprehensive Zoning Regulations for the Unincorporated Area of Collier County; and

WHEREAS, under the standards of the Electronic Industries Association Publication EIA/TIA 222-E, Collier County is within 100 miles from hurricane oceanline, is a coastal saltwater environment, and has a basic wind speed of 110 mile per hour; and

WHEREAS, Community Development Services Division petitioned the Board of County Commissioners of Collier County, Florida, to amend Ordinance Number 82-2, Section 8, Supplementary District Regulations by adding thereto Subsection 8.10A, Communication Towers.

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

SECTION ONE:

Section 8, Supplementary District Regulations of Ordinance 82-2, the Zoning Ordinance of Collier County, Florida is hereby amended by adding Subsection 8.10A, to read as follows:

8.10A Communication Towers:

- a. Intent and Purpose: This ordinance applies to specified communication towers that support any antenna designed to receive or transmit electromagnetic energy, such as but not limited to telephone, television, radio or microwave transmissions. This ordinance sets standards for construction and facilities siting; is to minimize where applicable adverse visual impacts of towers and antennas through careful design, siting and vegetation screening; to avoid potential damage to adjacent properties from tower failure; to maximize the use of specified new communication towers and thereby to minimize need to construct new towers; to maximize the shared use of specified tower sites to minimize the need for additional tower sites; and to consider the concerns of the Collier County Mosquito Control District as to aircraft safety.

Subject to general law, provisions in deed restrictions

and private restrictive covenants supersede this ordinance to the extent they are more restrictive.

Definitions. As used herein "antenna" does not include wire antennas. A "tower" is a structure for the primary purpose to raise the height of an antenna. An "antenna structure" is a base, stand, or other method of stabilizing an antenna but the primary purpose is other than raising the height of an antenna. "Effective radius" means a radius of 6 miles from the respective tower unless a lesser radius is approved. "Lesser effective radius" means an approved radius of less than 6 miles. "Zoning district" includes areas within Planned Unit Developments (PUD) that have density requirements similar to those specified in this ordinance. "All", "any", and "each" means exempt and non-exempt towers, structures, and owners unless the context clearly indicates otherwise, but does not include old towers or old sites except in Subsection e.13) related to inspections. An "old" tower or site means a tower or site that was approved prior to the effective date of this ordinance. A "new" tower or site means a tower or site that requires approval under this ordinance. An "approved" tower or site is a tower or site that has been approved under this ordinance. "Owner" refers to a sole owner or any co-owner. "Rent" means to rent, lease, or otherwise provide tower or site space. "Monopole communications tower" means a commercial vertical single tubular self supporting tower for non parabolic antennas with small effective radii. "Unavailable to the applicant" means a tower that cannot accommodate the applicant's proposed antenna or a site that cannot accommodate the applicant's tower, antenna, and related facilities. "Unavailable" means that no additional tower or site capacity is available to anyone. "County Manager" includes designees of the County Manager. The singular includes the plural and vice versa unless the context clearly indicates otherwise. "Government" means the United States government and any agency thereof, the State of Florida and any agency thereof, any municipal corporation and any agency thereof, Collier County and any agency thereof, and any District. Except as to monopole communications towers, and structures and antennas that are limited to twenty (20) feet or less in height without provisional use approval, heights of towers and structures specified herein are exclusive of any antennas affixed thereto and are exclusive of the respective ground elevation.

b. **Shared Use of Towers:** A tower with a height in excess of 185 feet above natural grade shall not be approved in Collier County unless the applicant demonstrates that no old or approved tower of equal or greater height (or of lesser height) within the effective radius can accommodate the applicant's proposed antenna and ancillary equipment. Towers owned by or leased to any government are exempt from these shared use provisions except as to sharing with other governments.

- 1) For the purpose of discovering availability for use of towers within the effective radius, the applicant shall contact the owner of all old and approved towers, within the effective radius, of a height equal to or greater than the height of the proposed tower, or a tower of lesser height, that can possibly accommodate the needs of the applicant. The County Manager may pre-approve the minimum allowable height to determine which towers may be available for use by the applicant. A list of all owners contacted, the date of each contact,

the form and content of each contact, and all responses shall be a part of the provisional use application. As an accommodation to applicants, the County Manager shall retain all shared use plans, records of past responses and a list of old and approved towers. If the owner of an old tower does not respond to applicant's inquiry within a reasonable time, generally 30 days or less, or the owner of an old tower will not rent space to the applicant at a reasonable rental for a reasonable time period, such old tower shall be deemed unavailable to that applicant. If the old tower is a non-conforming structure, additional antennas may be installed thereon in accordance with an approved shared use plan, provided however, no structural alterations may be made to the tower, and the height of the tower inclusive of its antennas may not be increased.

- 2) Lesser Effective Radius: If the applicant asserts that the effective radius for the intended use is less than 6 miles, the applicant shall provide evidence that the asserted lesser effective radius is based on physical and/or electrical characteristics. Based on the evidence submitted by the applicant, the County Manager may establish a lesser effective radius. If a radius can be increased by signal amplification or other means, such means must be considered in determining the lesser effective radius. The antenna manufacturer's specifications shall be conclusive unless the applicant can prove they are incorrect in the specific case.
- 3) If an approved tower within the applicant's approved effective radius may have capacity available for the antenna proposed by the applicant, the application for a new tower shall not be complete without the following information regarding each such possibly available approved tower. Such information shall also be provided for old towers to the extent it can be obtained.
 - (a) Identification of the site of each possibly available tower by coordinates, street address or legal description, existing uses, and tower height.
 - (b) Whether shared use by the applicant of the tower is prohibited (or is not feasible) for any reason.
 - (c) If it has been determined that the tower owner will allow structural changes, whether a tower can accommodate the proposed antenna if reasonable structural changes are made. If so, the applicant shall specify what structural changes would be required and an approximation of the costs of such changes. If the costs of the required changes are financially impracticable, such tower shall be deemed unavailable to the applicant.
- 4) The applicant shall contact the owner of each possibly available approved tower to request the needed information. To enable the tower owner to respond, the applicant shall provide the following information regarding applicant's proposed antenna and equipment:

- (a) All output frequencies of transmitter.
- (b) Type of modulation, polarization of radiation, and proposed use of antenna.
- (c) Manufacturer, type, manufacturer's model number, a diagram of the antenna's radiation pattern, and the manufacturer's specifications.
- (d) Power input to antenna and gain of antenna in decibels with respect to an isotropic radiator.
- (e) Range in feet of maximum and minimum height of antenna above base of tower.
- (f) A list of necessary ancillary equipment and description of type of transmission cable to be used.
- (g) Any other pertinent information needed to enable the owner to respond in full to the inquiry.

c. Shared Use of Tower Sites: A tower with a height in excess of 185 feet above natural grade shall not be approved in Collier County on a new tower site unless the applicant demonstrates that the proposed tower, antennas and accessory structures or uses cannot be located on any conforming old site or approved site situated within the effective radius. Sites owned by any government or leased to any government are exempt from these shared use provisions except to other governments.

- 1) Except as to each old site or approved site determined by the County Manager or in a shared use plan to be unavailable to the applicant, the applicant shall contact the owner of all other conforming old sites and approved tower sites within the effective radius, containing sufficient land area to possibly accommodate the needs of the applicant.
- 2) For each such possibly available tower site the application for a new tower site shall not be complete without the following information:
 - (a) Identification of the proposed new tower site by coordinates, street address or legal description, area, existing uses, topography, and significant natural features.
 - (b) Evidence that no old and no approved tower site within the effective radius can accommodate the applicant's needs.
 - (c) If the owner of an old tower site does not respond to applicant's simple letter of interest inquiry within 30 days, or the owner of an old tower site will not rent land to accommodate applicants needs for a reasonable period of time at reasonable rentals, such old tower site shall be deemed unavailable to the applicant.
- 3) The applicant is not required to supply this information to owners of conforming old sites unless the old site appears to be available to the applicant by a shared use plan or the site's owner

has responded positively to the applicant's initial letter of inquiry. To enable the site owner to respond, the applicant shall provide the site owner (and the owner of any tower on the site) with the dimensional characteristics and other relevant data about the tower, and a report from a professional engineer licensed in the State of Florida, or other qualified expert, documenting the following:

- (a) Tower height and design, including technical, engineering and other pertinent factors governing the intended uses and selection of the proposed design. An elevation and a cross-section of the tower structure shall be included.
 - (b) Total anticipated capacity of the tower, including number and types of antennas and needed transmission lines, accessory use needs including specification of all required ancillary equipment, and required building and parking space to accommodate same.
 - (c) Evidence of structural integrity of the proposed tower as required by the Building Official and, for metal towers, a statement promising full compliance with the then latest edition of the standards published by the Electronic Industries Association (currently EIA/TIA 222-E), or its successor functional equivalent, as may be amended for local application.
- (4) If the site owner, or owner of a tower on the respective site, asserts that the site cannot accommodate the applicant's needs, the respective owner shall specify in meaningful detail reasons why the site cannot accommodate the applicant. To the extent information is current and correct in the respective tower site's approved shared use plan, the site owner or tower owner can refer the applicant to the respective shared use plan. If the shared use plan is not then up-to-date, the plan shall be brought up-to-date immediately by the owner and the written reply to the applicant shall specify to what extent the shared use plan is incorrect, incomplete, or otherwise not up-to-date.
- (5) No provision in a shared use plan, land lease, mortgage, option to purchase, lease-option, contract for deed, or other controlling document shall provide or have the effect that the site is exclusive to one tower unless there is good reason for such restriction other than the prevention of competition or a desire or inclination not to cooperate in good faith. If the site size is physically and electrically compatible with the installation on site of any other tower, no such document shall prevent other towers except for reasons approved by the County Manager. An unapproved document provision of tower exclusivity shall be grounds to disapprove an application for tower site approval.
- d. Required Sharing: Each new tower in excess of 185 feet in height (shared use tower), except towers that are approved to be perpetually unavailable, shall be designed to structurally accommodate the maximum amount of additional antenna capacity reasonably practicable. Although it is not required that a new tower be

constructed at additional expense to accommodate antennas owned by others, no new tower shall be designed to accommodate only the tower owner's proposed antennas when, without additional expense, antenna space for other owners can be made available on the tower.

- 1) Shared Use Plans: Each shared use plan shall be in a standard format that has been approved by the County Manager. Each shared use plan shall specify in detail to what extent there exists tower and/or site capacity to accommodate additional antennas and/or additional towers, ancillary equipment and accessory uses. Available antenna capacity on a tower shall be stated in detailed clearly understandable terms, and may be stated in equivalent flat plate area and total additional available transmission line capacity. The tower owner (as to tower shared use plans) and the land owner (as to site shared use plans) shall update its respective approved shared use plan by promptly filing pertinent update information with the County Manager. Owners of old towers and/or old sites may file shared use plans in accord with this ordinance.
 - a) Reservation of Capacity. If an applicant for a shared use tower does not plan to install all of its proposed antennas during initial construction of the tower, the applicant must specify the planned schedule of installing such later added antennas as part of the shared use plan. An applicant cannot indefinitely prevent the use of unused available antenna space on a tower by reserving to itself such unused space. No available space can be reserved for the owner or anyone else unless approved in the shared use plan. If an antenna is not installed by the scheduled deadline, the reserved space shall automatically be rendered available for use by others unless the shared use plan has by the deadline been amended with the approval of the County Manager. Deadlines may be extended even if the tower is a non-conforming structure. If space has been reserved in a shared use plan for future additional antenna use by the tower owner and it becomes clear that such space will not be utilized by the owner, the shared use plan shall be amended promptly to reflect the availability of such space.
 - (b) Reservation of Site Capacity. The policy stated above applies also to additional tower space on an approved tower site to prevent indefinite reservation of available site space.
 - (c) Protection of Non-Conformity. As an incentive to promote the filing of shared use plans, old towers, whether or not conforming and new towers and/or tower sites that are conforming at the date of approval of the initial shared use plan and/or any amendment thereto may proceed in accord with the approved plan irrespective of the fact that the tower and/or tower site is then non-conforming. The intent of this provision is to grandfather towers and/or new tower sites against a non-conforming status to the extent that

future capacity, including accessory structures, is provided for in the shared use plan. If the initial shared use plan or amendment to a shared use plan requires approval of the Board of County Commissioners and it appears that the site is threatened to become non-conforming for the intended use, the pending non-conformity will be a material element in deciding whether to approve or deny the application for the shared use plan or amendment.

Notwithstanding anything to the contrary in any Collier County Ordinance, any then non-conforming tower that is destroyed by any means to an extent of more than fifty (50) percent of its actual replacement cost at the time of destruction, as determined by a cost estimate submitted to the Zoning Director, shall not be reconstructed or repaired without prior approval of the Board of County Commissioners.

- (d) Filing Shared Use Plans. Each approved shared use plan shall be filed and recorded in the office of the Collier County Clerk of Courts prior to any site development plan approval. A copy of the initial shared use plan shall be filed with and approved by the County Manager prior to Provisional Use approval.
 - (e) Shared Use Plans for Old towers and Old Tower Sites. Initial shared use plans and amendments for old towers require approval of the County Manager. Initial shared use plans and amendments for old tower sites require approval of the Board of County Commissioners, except where an amendment reduces site and/or antenna capacity.
- 2) Transmitting and receiving equipment serving similar kinds of uses shall, to the extent reasonable and commercially practicable, be placed on a shared use tower in such a manner that any of the users in a group can operate approximately equal to other users in the group utilizing substantially similar equipment.
 - 3) Once a shared use plan for a tower is approved, additional antennas may be added to that tower in accord with the approved shared use plan without additional provisional use approval even if the tower is then a non-conforming structure. The shared use plan shall be immediately updated to reflect each such change. Likewise, once a new shared use plan for a tower site is approved, additional towers and accessory buildings and uses may be added to that site in accord with the plan without additional provisional use approval even if the site is then non-conforming. The shared use plan shall be immediately up-dated to reflect each change.
 - 4) For each tower with a height in excess of 185 feet that is approved, the tower owner shall be required, as a condition of approval, to file an approved shared use plan except when a government tower is approved to be perpetually unavailable. To the extent that there is capacity for other antennas on the tower, the plan shall commit the

tower owner and all successor owners to allow shared use of the tower in accord with the shared use plan for antennas of others at reasonable rates. The initial proposed rates (or a range of reasonable rates) shall be specified in the shared use plan and shall be amended each time the rates are changed. When antenna space on a tower is rented to others, each rental agreement shall be filed with the shared use plan. Any agreement that purports to reserve antenna space for future use must be approved by the County Manager.

- 5) For each new shared use tower site that is approved, the owner shall be required, as a condition of approval, to file an approved shared use plan except as to a government site that is approved to be perpetually unavailable. If there is land available on the site to accommodate additional towers and accessory facilities the plan shall commit the land owner and successor owners to accommodate such additional facilities on the site at reasonable rents. To the extent practicable, the proposed rents (or a range of reasonable rents) shall be specified in the shared use plan. When land is rented for facilities on the site, the rental agreement shall be filed with the shared use plan. Any agreement that purports to reserve land for future use of tower and other facility space must be approved by the County Manager.
- 6) Each new tower owner or site owner, as the case may be, shall agree as a condition of approval to respond in writing in a comprehensive manner within 30 days to each request for information from a potential shared use applicant. Government owners need to reply only to requests from another government. To the extent that correct and up-to-date information is contained in an approved shared use plan, the owner may refer the applicant to the shared use plan for the information. If the shared use plan is incorrect, incomplete, or otherwise not up-to-date, the respective owner shall in the response specify in detail such information and shall immediately bring the shared use plan up-to-date.
- 7) The tower owner or site owner, as the case may be, shall as a condition of approval negotiate in good faith for shared use of tower space and/or site space by applicants in accord with its shared use plan.
- 8) All conditions of approval regarding a tower shall run with the ownership of the tower and be binding on all subsequent owners of the tower. All conditions of approval regarding an approved tower site shall run with the land and be binding on all subsequent owners of the tower site.

e. Development Standards for Communication Towers:

- 1) Except to the extent that amateur radio towers, and ground mounted antennas with a height not to exceed twenty (20) feet, are exempted by paragraph 25 herein, no new tower of any height shall be permitted in the RSF-1 thru RSF-6, RMF-6, and E-Estate zoning districts. However, notwithstanding other provisions of this ordinance, including the separation requirements of paragraph 6 below, towers may be allowed to any height as a

provisional use in the E-Estate zoning district only on sites approved for a specified essential service listed in paragraph 3, below. There shall be no variances to this paragraph except for variance applications by a government for a governmental use.

- 2) Permitted Ground Mounted Towers. Towers not exceeding the stated maximum heights are a permitted use subject to other applicable provisions of this ordinance, including separation requirements and shared use provisions. Towers that exceed these specified maximum heights require provisional use approval.
 - a) All commercial and industrial zoning districts: Towers not exceeding two hundred (200) feet.
 - b) Agricultural zoning districts within the Urban designated area: Towers not exceeding two hundred (200) feet.
 - c) Agricultural zoning districts within the Rural designated area: Towers not exceeding two hundred and eighty (280) feet.
 - d) All agricultural zoning districts: No tower shall be allowed on any site comprising less than twenty (20) acres under common ownership or control except on essential services-specified provisional use sites, where towers can be approved as a provisional use on sites of less than 20 acres.
- 3) Essential Services - Specified Provisional Uses: Except in the RSF-1 through RSF-6, and RMF-6 zoning districts, towers may be allowed to any height as a provisional use on sites approved for a provisional use - essential service for any of the following provisional uses: safety service facilities including, but not necessarily limited to, fire stations, sheriff's sub-station or facility, emergency medical services facility, and all other similar uses where a communications tower could be considered an accessory or logically associated use with the safety service provisional use on the site.
- 4) New towers shall be installed only on rooftops in the RMF-12, RMF-16, RT, VR, MHSD, MHRP and TTRVC zoning districts. Except, however, that ground mounted monopole communication towers up to 150 feet in height above the natural grade, including antennas affixed thereto, may be allowed as a provisional use within these zoning districts. The height of each monopole communication tower shall be limited to the height necessary for its use at its location.
- 5) Rooftop towers, antenna structures and antennas.
 - a) Rooftop towers, antenna structures and antennas are allowed in all zoning districts except the RSF-1 thru RSF-6, RMF-6, and E-Estate zoning districts.
 - b) Rooftop towers, antenna structures and

antennas are, as specified, subject to the following:

- (1) Permitted Uses: Rooftop antenna structures and antennas are a permitted use up to a height of 20 feet above the maximum roofline provided the height of the maximum roofline is 20 feet or more above the average natural grade. If the maximum roofline is less than 20 feet above the average natural grade, an antenna structure or antenna is a permitted use up to a height that equals the distance from the average natural grade to the maximum roofline. For example, if the distance from the average natural grade to the maximum point of the roofline is 15 feet, an antenna structure and/or antenna is a permitted use up to a height of 15 feet above the maximum roofline. Any antenna structure, tower or antenna that exceeds its permitted use height as provided herein shall require provisional use approval and the maximum allowable height of the structure, tower, and all antennas shall be determined in each specific case. Distance from RSF-1 thru RSF-6, and RMF-6 zoning districts shall be a major consideration in determining the allowable height of rooftop facilities.
- (2) Towers and antenna structures shall be set back from the closest outer edge of the roof a distance not less than ten (10) percent of the rooftop length and width, but not less than 5 feet, if the antenna can function at the resulting location.
- (3) Antenna structures and dish type antennas shall be painted to make them unobtrusive.
- (4) Except for antennas that cannot be seen from street level, such as panel antennas on parapet walls, antennas shall not extend out beyond the vertical plane of any exterior wall.
- (5) Where technically feasible dish type antennas shall be constructed of open mesh design.
- (6) Where feasible, the design elements of the building (i.e., parapet wall, screen enclosures, other mechanical equipment) shall be used to screen the communications tower, structure, and antennas.
- (7) The building and roof shall be capable of supporting the roof mounted antenna, structure and tower.
- (8) No rooftop shall be considered a tower site. This ordinance does not require any sharing of any rooftop, rooftop tower or antenna structure.

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- 6) With the exception of rooftop towers, each new communication tower exceeding 185 feet in height shall be located at least 1,000 feet from RSF-1 thru RSF-6, and RMF-6 zoning districts including Planned Unit Developments where predominant use is consistent with RSF-1 thru RSF-6 and RMF-6 zoning districts. If a part of a PUD is not developed and it is inconclusive whether the part of a PUD area within 1,000 feet of the proposed tower site may be developed with a density of 6 units per acre or less, it shall be presumed that the PUD area nearest to the proposed site will be developed at the lowest density possible under the respective PUD.
- 7) All owners of approved towers are jointly and severally liable and responsible for any damage caused to off-site property as a result of a collapse of any tower owned by them.
- 8) Placement of more than one tower on a land site is preferred and encouraged, and may be permitted provided, however, that all setbacks, design and landscape requirements are met as to each tower. Structures may be located as close to each other as technically feasible provided tower failure characteristics of the towers on the site will not likely result in multiple tower failures in the event that one tower fails, or will not otherwise present an unacceptable risk to any other tower on the site. It shall be the policy of the County to make suitable county owned land available for towers and ancillary facilities at reasonable rents.
- 9) Any accessory buildings or structures shall meet the minimum yard requirements for the respective zoning district. Accessory uses shall not include offices, long-term vehicle storage, outdoor storage, broadcast studios except for temporary emergency purposes, other structures or uses that are not needed to send or receive transmissions, and in no event shall such uses exceed 25 percent of the floor area used for transmission or reception equipment and functions. Transmission equipment shall be automated to the greatest extent economically feasible to reduce traffic and congestion. Where the site abuts or has access to a collector street, access for motor vehicles shall be limited to the collector street. All equipment shall comply with then applicable noise standards.
- 10) For new commercial towers exceeding 185 feet in height, a minimum of two parking spaces shall be provided on each site; an additional parking space for each two employees shall be provided at facilities which require on-site personnel. Facilities which do not require on-site personnel may utilize impervious parking.
- 11) All new tower bases, guy anchors, outdoor equipment, accessory buildings and accessory structures shall be fenced. This provision does not apply to amateur radio towers, or to ground mounted antennas that do not exceed 20 feet above grade.
- 12) No tower shall be artificially lighted except as required by the Federal Aviation Administration, the Federal Communications Commission, or other

applicable laws, ordinances or regulations.

- 13) Effective January 1, 1992, all guyed towers, including old towers, exceeding 185 feet in height shall be inspected every two (2) years. Such self supporting towers shall be inspected every four (4) years. Each inspection shall be by a qualified professional engineer or other qualified professional inspector, and any inspector recommended repairs and/or maintenance should be completed without unnecessary delay. At a minimum each inspection shall include the following:
 - (a) Tower Structure - including bolts, loose or damaged members, signs of unusual stress or vibration.
 - (b) Guy Wires and Fittings - check for age, strength, rust, wear, general condition and any other signs of possible failure.
 - (c) Guy Anchors and Foundations - assess for cracks in concrete, signs of corrosion, erosion, movement, secure hardware, and general site condition.
 - (d) Condition of antennas, transmission lines, lighting, painting, insulators, fencing, grounding, and elevator, if any.
 - (e) For guyed towers: Tower vertical alignment and guy wire tension - (both required tension and present tension).
- 14) A copy of each inspection report shall be filed with the County Manager not later than December 1st of the respective inspection year. If the report recommends that repairs or maintenance are required, a letter shall be submitted to the County Manager to verify that such repairs and/or maintenance have been completed. The County shall have no responsibility under this ordinance regarding such repairs and/or maintenance.
- 15) Any tower that is voluntarily not used for communications for a period of one year shall be removed at the tower owner's expense. If a tower is not removed within three (3) months after one year of such voluntary non-use, the County may obtain authorization to remove the tower and accessory items from a court of competent jurisdiction, and after removal shall place a lien on the subject property for all direct and indirect costs incurred in dismantling and disposal of the tower and accessory items, plus court costs and attorney fees.
- 16) For all ground mounted guyed towers in excess of 75 feet in height, the site shall be of a size and shape sufficient to provide the minimum yard requirements of that zoning district between each guy anchor and all property lines.
- 17) All new towers shall require a site plan in accordance with Section 10.5 as part of the building permit application except:
 - (a) Ground mounted amateur radio towers that do not exceed a height of 75 feet excluding antennas;

- (b) Monopole towers that do not exceed a height of 75 feet including antennas; or
 - (c) Ground mounted antennas that do not exceed a height of twenty (20) feet above natural grade.
- 18) All new metal towers including rooftop towers, except amateur radio towers, shall comply with the standards of the then latest edition published by the Electric Industries Association (currently EIA/TIA 222-E) or the publication's successor functional equivalent unless amended for local application by resolution of the Board of County Commissioners. Each new amateur radio tower with a height of 75 feet or less shall require a building permit specifying the exact location and the height of the tower exclusive of antennas. Each new ground mounted dish type antenna that does not exceed a height of twenty (20) feet shall require a building permit.
- 19) Within the proposed tower's effective radius, information that specifies the tower's physical location in respect to public parks, designated historic buildings or districts, areas of critical concern, and conservation areas, shall be submitted as part of the provisional use application. This shall also apply to site plan applications and/or permit applications for rooftop installations that do not require provisional use approval.
- 20) No communication tower shall be located on any land or water if such location thereon creates or has the potential to create harm to the site as a source of biological productivity, as indispensable components of various hydrologic regimes, or as irreplaceable and critical habitat for native species of flora or fauna.
- 21) A landscaped buffer area no less than 10 feet wide shall be developed around the perimeter of each new tower that requires security fencing. This buffer shall encompass all new structures including the tower base. At least one row of native vegetation shall be planted within the buffer to form a continuous hedge at least three feet in height at planting. This hedge shall also be planted around any ground level guy anchors. The buffer must be maintained in good condition.
- 22) Native vegetation on the site shall be preserved to the greatest practical extent. The site plan shall show existing significant vegetation to be removed and vegetation to be replanted to replace that lost. Native vegetation may constitute part or all of the required buffer area if its opacity exceeds eighty percent (80%).
- 23) All new towers (including amateur radio towers) and all antennas affixed thereto shall be in compliance with Section 9.9, Ordinance No. 82-2, "Special Regulations for Specified Areas in and around airports in Collier County". There shall be no variances to this provision.
- 24) For all new towers, a statement from the applicant or an official document that specifies that the

tower and its antennas will comply with all applicable regulations of the Federal Communications Commission shall be filed with the County Manager.

- 25) New towers and antennas affixed thereto, new roof mounted towers, structures and antennas, and new accessory structures are exempt from provisional use approval:
 - (a) To the extent exempted by federal law or regulation, or Florida law or regulation, at the time of the application.
 - (b) Ground mounted amateur radio towers that do not exceed a height of seventy-five (75) feet above natural grade, exclusive of all antennas.
 - (c) Stations in the amateur radio service licensed by the Federal Communications Commission.
 - (d) Ground mounted antennas that do not exceed a height of twenty (20) feet above natural grade, including dish type antennas.
 - (e) Rooftop antennas, antenna structure and towers that do not exceed the applicable permitted use height specified in subsection e.5)b)(1) herein.
- 26) All new non-ionizing electromagnetic radiation (NIER) sources shall comply with the then current applicable standards adopted by the Federal Government. The County shall not be required by this ordinance to enforce such standards.
- 27) A copy of each application for a tower in excess of two hundred (200) feet in height shall be supplied by the applicant to the Collier County Mosquito Control District or its successor in function.
- 28) As to communications towers and antennas, including rooftop towers, antenna structures and antennas, the height provisions of this ordinance supersede all other height limitations specified in County Ordinance 82-2.
- 29) Willful, knowing failure of any owner to comply with any of the provisions herein shall be a violation of this ordinance and shall be subject to general penalty provisions of Ordinance 82-2, and shall be grounds for revocation of provisional use approval.

SECTION TWO: CONFLICT AND SEVERABILITY

In the event this Ordinance conflicts with any other Ordinance of Collier County or other applicable law, the more restrictive shall apply. If any phrase or portion of this Ordinance is 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 portion.

SECTION THREE: EFFECTIVE DATE

This Ordinance shall become effective upon receipt of notice from the Secretary of State that this Ordinance has been filed with the Secretary of State.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida this 9th day of September, 1991.

DATE: September 9, 1991

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

ATTEST:
JAMES C. GILES, CLERK

BY: Patricia Anne Goodnight
PATRICIA ANNE GOODNIGHT, CHAIRMAN

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Thomas C. Palmer
THOMAS C. PALMER
ASSISTANT COUNTY ATTORNEY

ZO-91-4 ORDINANCE
nb/6243
TCP/mmd/982 (9/16/91)

This ordinance filed with the
Secretary of State's Office the
19th day of Sept., 1991
and acknowledgement of that
filing received this 23rd day
of Sept., 1991
By: James Chesonis
Deputy Clerk

STATE OF FLORIDA)
COUNTY OF COLLIER)

I, JAMES C. GILES, Clerk of Courts in and for the
Twentieth Judicial Circuit, Collier County, Florida, do
hereby certify that the foregoing is a true copy of:

Ordinance No. 91-84

which was adopted by the Board of County Commissioners on
the 9th day of September, 1991, during Special Session.

WITNESS my hand and the official seal of the Board of
County Commissioners of Collier County, Florida, this 18th
day of September, 1991.

JAMES C. GILES
Clerk of Courts and Clerk of
Ex-officio to Board of
County Commissioners


By: /s/Maureen Kenyon
Deputy Clerk

