



LAND DEVELOPMENT CODE AMENDMENT

PETITION

PL20200001721

Origin

Growth Management Department

HEARING DATES

BCC 01/26/20
 CCPC 11/19/20
 DSAC 10/07/20
 DSAC-LDR 09/15/20

SUMMARY OF AMENDMENT

This amendment implements the Golden Gate Area Master Plan (GGAMP) to allow cellular towers as a conditional use in the Estates (E) Zoning District on parcels that are a minimum of 2.25 acres and located adjacent to collector or arterial roads. It also corrects a few cross references.

LDC SECTIONS TO BE AMENDED

2.03.01 Agricultural Districts
 5.05.09 Communication Towers

ADVISORY BOARD RECOMMENDATIONS

DSAC-LDR

Approval with changes

DSAC

Approval

CCPC

Approval with change

BACKGROUND

When the GGAMP amendments were adopted in the Growth Management Plan (GMP) on September 24, 2019, new provisions for various types of conditional uses were added to the Urban and Rural Golden Gate Estates Sub-elements of the GGAMP. One such provision is the “Special Exceptions to Conditional Use Locational Criteria” – Urban Section (B.1.A.3.e.5.) and Rural Section (B.1.A.3.d.4.). It states the following:

“Conditional Use for a cellular tower is allowed in the Estates Zoning District only on parcels no smaller than 2.25 acres and adjacent to a roadway classified within the Transportation Element as a Collector or Arterial.”

This amendment originated from a solid majority of residents surveyed, both in the rural Estates and the urban Estates, that had indicated dissatisfaction with existing cellular service. Over 75% of the rural Estates residents surveyed believed that communication towers should be conditional uses, and available at any location in the Estates. The proposed amendment shall allow cellular service to increase after the approval of new communication towers.

By LDC section 2.01.03 A 4, communication towers are deemed permitted uses in all zoning districts, except CON districts, RFMU sending lands, NRPAS, HSAS, and FSAS and “... limited to those providing wireless emergency telephone service, subject to all applicable provisions in section 5.05.09 of this Code.” However, LDC section 5.05.09 G.1 states “...no new tower of any height shall be permitted in the RSF-1 through RSF-6, RMF- 6, VR, MH, TTRVC and E Zoning districts.” The proposed amendment shall rectify this inconsistency, put into effect the GGAMP new provision, and provide for new communication towers to be allowed as a conditional use in the Estates Zoning District.

The Transportation Element of the GMP’s maps depict all of the collector and arterial roads throughout the County. These roadway maps display where new communication towers can be located. See Exhibit A.

In LDC section 5.05.09 G.1, the cross reference to LDC section 5.05.09 F.7 should read 5.05.09 G.7 which does address separation requirements and the second cross reference to LDC section 5.05.09 (F) 3) should read 5.05.09

G 3 which does address essential services sites.

In LDC section 5.05.09 G.3 another scrivener error is corrected by inserting a period after the words “Essential services-Specified conditional uses”.

DSAC-LDR Subcommittee Recommendations

The DSAC-LDR Subcommittee reviewed the amendment on September 15, 2020 and unanimously recommended approval with the following changes:

- In 5.05.9 B.25.d, add the following words “*The required*” to the beginning sentence of “*Perimeter wall or fence height shall be...*”;
- Require the wall or fence height to be a “*minimum of eight feet from finished grade...*” and
- Stipulate the 15 feet landscape buffer shall be a “*Type B*” landscape buffer and tree plantings within the buffer be a minimum 12 feet tall to screen the equipment cabinets.

All recommendations have been incorporated in the LDC text.

After DSAC’s recommendation of approval, staff modified subsection 5.05.09 G.25 b. to require evidence from the communications provider that it’s search radius for tower placement requires placement of the tower in the Estates Zoning District to meet its coverage requirements and that the tower cannot be co-located on an existing tower and provide the same service coverage. The revised text has been incorporated.

CCPC Recommendation

The CCPC recommended unanimous approval with the stipulation that tree plantings within the 15 feet landscape buffer be 12 feet tall at time of planting. This recommendation has been incorporated in the LDC text.

FISCAL & OPERATIONAL IMPACTS

There are no anticipated fiscal or operational impacts to the County associated with this amendment. The amendment can have fiscal impacts on property owners in the Estates who will be eligible to apply for Conditional Use approval of communication towers.

GMP CONSISTENCY

The proposed LDC amendment has been reviewed by Comprehensive Planning staff and may be deemed consistent with the GMP.

EXHIBITS: A) GMP Transportation Element Maps

Amend the LDC as follows:

2.03.01 – Agricultural Districts

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B. Estate District (E). The purpose and intent of the estates district (E) is to provide lands for low density residential development in a semi-rural to rural environment, with limited agricultural activities. In addition to low density residential development with limited agricultural activities, the E district is also designed to accommodate as conditional uses, development that provides services for and is compatible with the low density residential, semi-rural and rural character of the E district. The E district corresponds to and implements the estates land use designation on the future land use map of the Collier County GMP, although, in limited instances, it may occur outside of the estates land use designation. The maximum density permissible in the E district shall be consistent with and not exceed the density permissible or permitted under the estates district of the future land use element of the Collier County GMP as provided under the Golden Gate Master Plan.

1. The following subsections identify the uses that are permissible by right and the uses that are allowable as accessory or conditional uses in the estates district (E).

a. Permitted uses.

* * * * *

c. Conditional uses. For Estates zoning within the Golden Gate Estates subdivision, the Golden Gate Area Master Plan in the GMP restricts the location of conditional uses. The following uses are permissible as conditional uses in the estates district (E), subject to the standards and procedures established in LDC section 10.08.00:

* * * * *

8. Essential services, as set forth in LDC ~~sub~~section 2.01.03 G.

9. Model homes and model sales centers, subject to compliance with all other LDC requirements, to include but not limited to section 5.04.04.

10. Ancillary plants.

11. Public schools without an agreement with Collier County, as described in LDC section 5.05.14. Additional standards in LDC section 5.05.14 shall also apply.

12. Communication towers up to specified heights, subject to LDC section 5.05.09.

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3 **5.05.09 – Communication Towers**

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7 G. Development standards for communication towers.

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9 1. Except to the extent that amateur radio towers, and ground-mounted antennas
10 with a height not to exceed twenty (20) feet, are exempted by subsection 5.05.09
11 herein, no new tower of any height shall be permitted in the RSF-1 through RSF-
12 6, RMF-6, VR, MH, TTRVC, and E zoning districts. However, notwithstanding other
13 provisions of this section, including the separation requirements of subsection
14 5.05.09 ~~(F)(7)~~ G.7. below, towers may be allowed to any height as a conditional
15 use in the Estate (E) zoning district only on parcels designated as Urban or Rural
16 Golden Gate Estates Sub-Element in the Golden Gate Area Master Plan or sites
17 approved for a specified essential service listed in subsection 5.05.09 ~~((F)(3))~~ G.3.
18 below. There shall be no exception to this subsection except for conditional use
19 applications by a government for a governmental use.
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23 3. Essential services —Specified conditional uses. Except in the RSF-1 through
24 RSF-6, and RMF-6 zoning districts, towers may be allowed to any height as a
25 conditional use on sites approved for a conditional use essential service for any
26 of the following conditional uses: safety service facilities including, but not
27 necessarily limited to, fire stations, sheriff's substation or facility, emergency
28 medical services facility, and all other similar uses where a communications
29 tower could be considered an accessory or logically associated use with the
30 safety service conditional use on the site. In addition, communications towers
31 can be approved as a conditional use for a stand-alone essential service facility,
32 provided the tower is to be owned by, or to be leased to, a governmental entity,
33 and the primary uses of the tower are for governmental purposes.
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37 7. With the exception of rooftop towers and towers on essential services sites, each
38 new communication tower shall meet the following separation requirements:
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40 a. Each new tower that exceeds 185 feet in height shall be located not less
41 than two and one-half (2.5) times the height of the tower from all RSF-1
42 through RSF-6, and RMF-6 zoning districts, including PUDs where the
43 adjacent use(s) is/are, or comparable to, the RSF-1 through RSF-6 and
44 RMF-6 zoning districts. If a part of a PUD is not developed, and it is
45 inconclusive whether the part of a PUD area within such minimum
46 separation distance from the proposed tower site may be developed with a
47 density of six (6) units per acre or less, it shall be presumed that the PUD
48 area nearest to the proposed site will be developed at the lowest density
49 possible under the respective PUD.
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b. In addition, each such new tower that exceeds a height of seventy-five (75) feet, excluding antennas, shall be separated from all boundaries of surrounding property zoned RMF-12, RMF-16, E, RT, VR, MH, TTRVC,H, and the residential areas of PUDs with existing or planned densities greater than six (6) units per acre by not less than the total height of the tower including its antennas; and from all other surrounding property boundaries by a distance not less than one-half (1/2) the height of the tower and its antennas, or the tower's certified collapse area, whichever distance is greater.

c. Communication towers in the Estate (E) zoning district shall be separated from residentially zoned properties as follows:

i. New towers up to 75 feet in height shall be located not less than the total height of the tower and antennas from all residentially zoned properties.

ii. New towers over 75 feet in height shall be located not less than two and one-half times the height of the tower and antennas, or the certified collapse area, whichever distance is greater, from all residentially zoned properties.

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25. Communication towers in the Estate (E) Zoning District.

Communication towers are allowed on parcels designated as Urban or Rural Golden Gate Estates Sub-element in the Golden Gate Area Master Plan and are subject to the following:

a. The parcel is a minimum 2.25 acres and adjacent to an arterial or collector road.

b. The communications provider has provided evidence that the communications provider's search radius for tower placement requires placement of the tower in the Estates zoning district to meet its coverage requirements and the tower cannot be co-located on an existing tower and provide the same service coverage.

c. All security and site lighting shall be less than 20 feet above grade, fully shielded, and directed away from neighboring properties.

d. Fencing height and landscaping. The required perimeter wall or fence height shall be a minimum of eight feet from finished grade of base supporting structure and no greater than 10 feet. A minimum 15 feet landscape Type B buffer along the perimeter of wall or fence is required and tree plantings within the buffer shall be 12 feet tall at time of planting.

e. Equipment cabinets. Overall height of ground-mounted equipment or equipment enclosure shall not exceed 12 feet.

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Exhibit A – GMP Transportation Element Maps

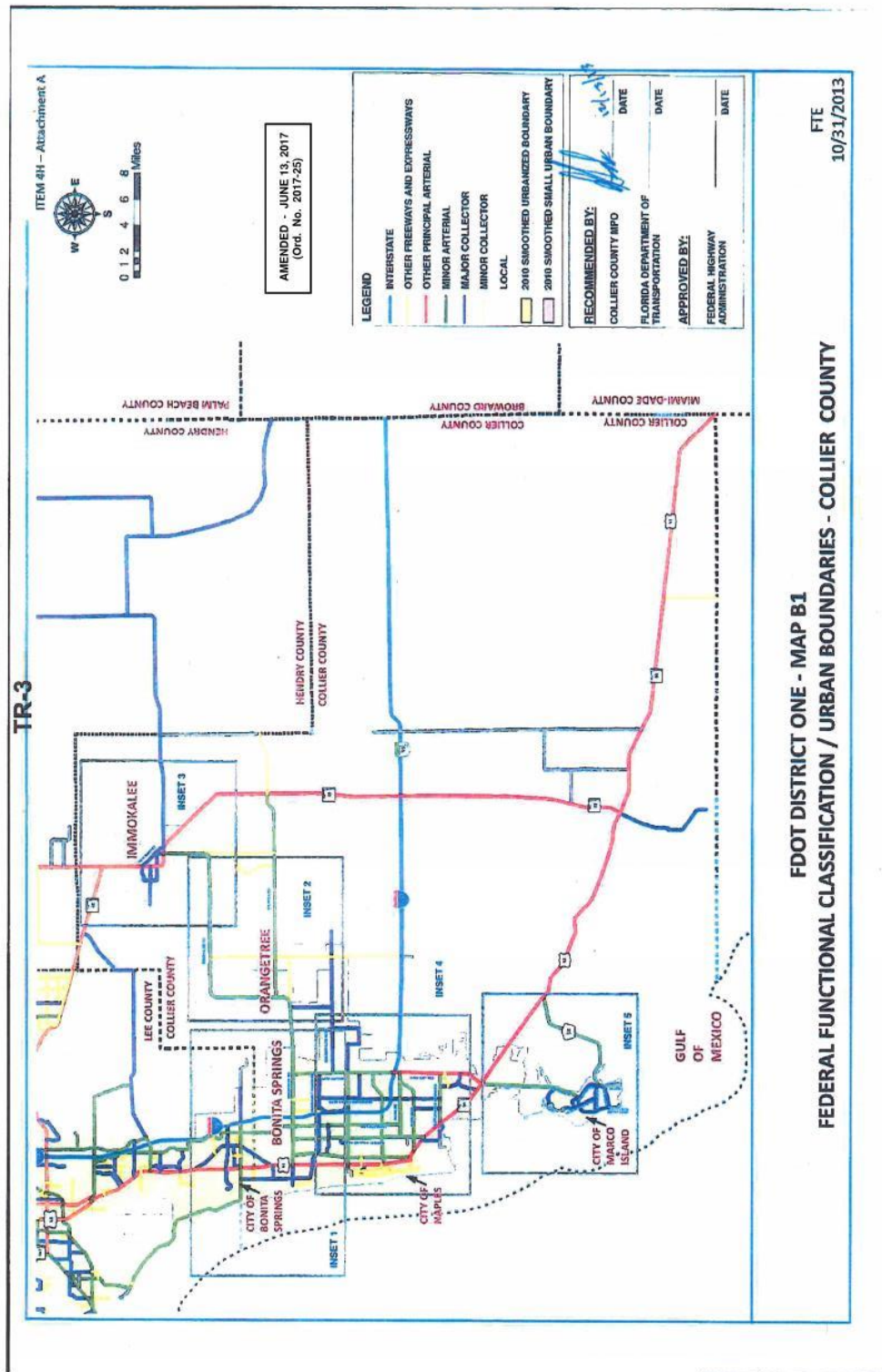


Exhibit A – GMP Transportation Element Maps

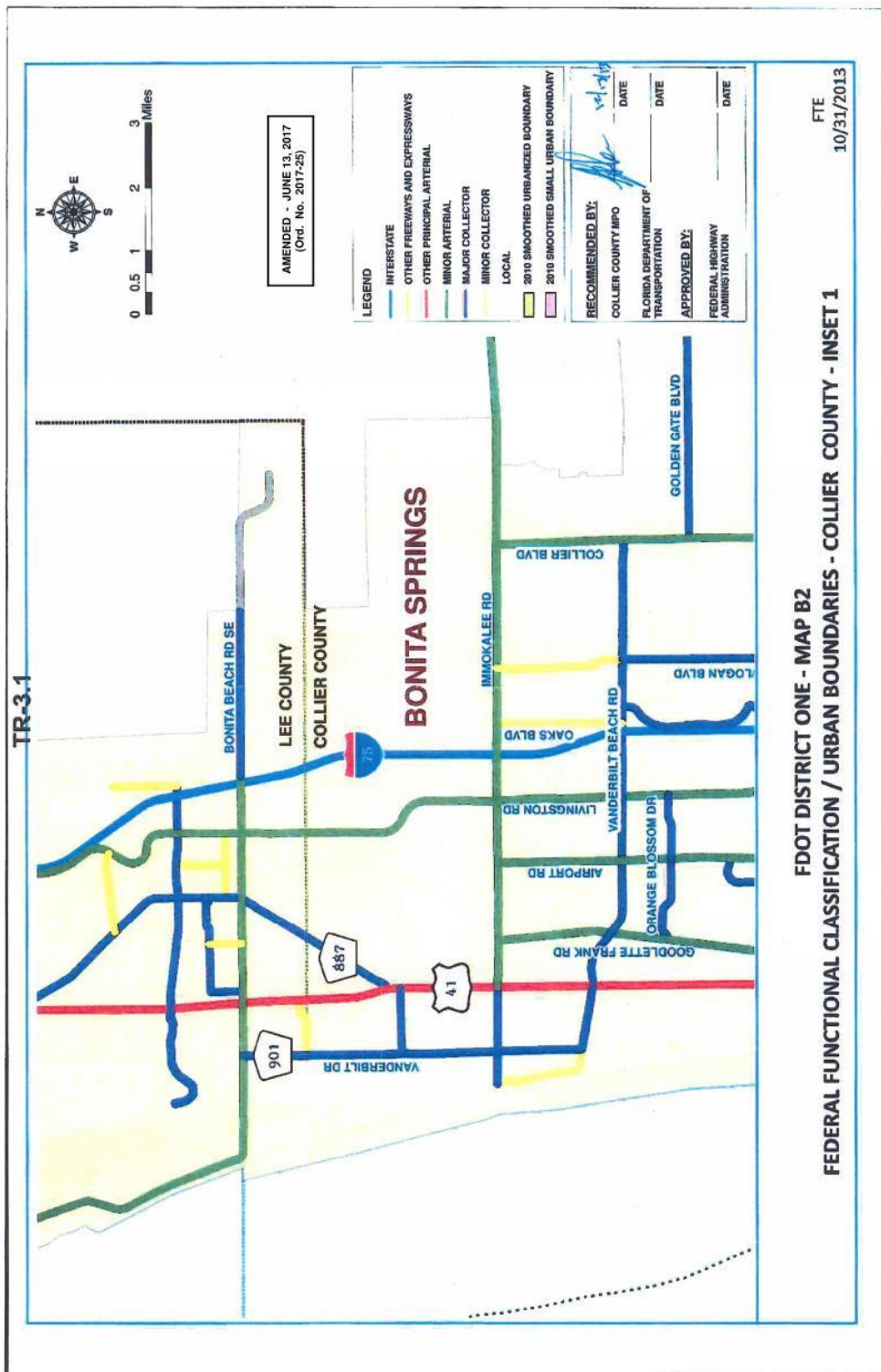


Exhibit A – GMP Transportation Element Maps

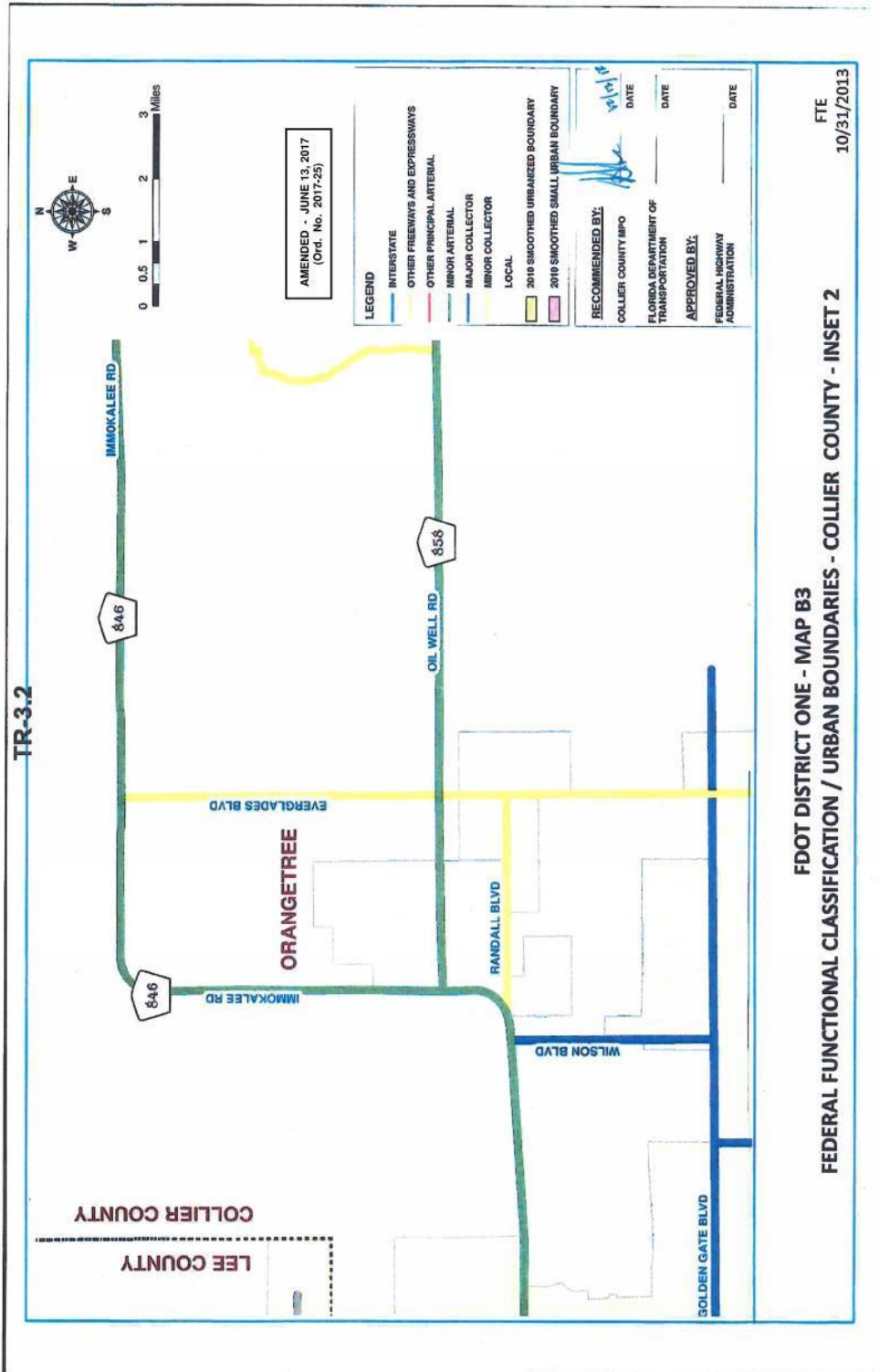


Exhibit A – GMP Transportation Element Maps

