

WALTON COUNTY ORDINANCE NO. 01- 25

AN ORDINANCE AMENDING THE WALTON COUNTY LAND DEVELOPMENT CODE AS IT PERTAINS TO COMMERCIAL TOWERS, FURTHER DEFINING PRIMARY USES; PROVIDING FOR AUTHORITY, PURPOSE, SEVERABILITY AND EFFECTIVE DATE.

WHEREAS the requirements for Commercial Towers have been generally established within the Land Development Code over time.

WHEREAS Walton County seeks to ensure functional, attractive and uniform development that furthers the goals, objectives and policies of the County pertaining to the development of Commercial Towers within the unincorporated area of Walton County.

WHEREAS the expansion and clarification of the language pertaining to Commercial Towers will further the goals, objectives and policies of the County and provide guidance for the purpose of administrating the Land Development Code.

WHEREAS the Walton County Board of County Commissioners undertook a deliberative public review of this matter.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF WALTON COUNTY, FLORIDA:

Section 1. AUTHORITY AND PURPOSE. This ordinance is adopted pursuant to the authority granted to counties by Chapter 125, Florida Statutes. Its purpose is to clarify the specific regulations pertaining to Commercial Towers.

Section 2. INCORPORATION BY REFERENCE. Attached hereto and incorporated therein by reference "Exhibit A" which shows the revised language of Section 5.07.09 of the current Walton County Land Development Code.

Section 3. SEVERABILITY. Should any word, phrase, sentence or section of this ordinance be held by a court of competent jurisdiction to be illegal, void, unenforceable or unconstitutional then such shall be severed from this ordinance and the remainder of the ordinance shall remain in full force and effect.

Section 4. EFFECTIVE DATE. This ordinance shall take effect as provided by law.

ADOPTED in an advertised public hearing of the Board of County Commissioners this 3rd day of December, 2001.

BOARD OF COUNTY COMMISSIONERS
OF WALTON COUNTY, FLORIDA



LANE REES, CHAIRMAN

ATTEST:


CLERK

“Exhibit “A” Tall Tower Language Revisions

Deletions are in strikethrough; Additions are underlined.

5.07.09 Tall Structures. In land use districts where towers are permitted, structures in excess of one hundred feet (100') will be required to obtain determination of "No Hazard to Aviation" from the Federal Aviation Administration. This determination documentation must be submitted as a part of the application for development approval for the tower.

A. Commercial Towers. This section applies to communication towers that support any antennas designed to receive or transmit electromagnetic energy, such as, but not limited to, telephone, television, radio, or microwave transmissions.

1. A tower in excess of one hundred feet (100') above natural grade shall not be approved unless the applicant demonstrates that no existing or approved tower of equal or greater height within the effective radius can accommodate the applicant's proposed antenna and ancillary equipment. Towers owned or leased to any government are exempt from these shared use provisions.
2. All new commercial towers ~~which exceed one hundred feet (100') in height shall be located a minimum distance of 1.25 times the height of the proposed structure from any residential zoning district or residential use.~~ the tower height from all property lines.
3. All new tower bases, outdoor equipment, accessory buildings and accessory structures erected for use in connection with commercial towers shall be required to located within a commercial style chain-link or privacy fence at least six (6) feet in height. The fence shall be visually screened by trees, large shrubs, and existing vegetation. The owner of the tower will be responsible for the maintenance of all required landscaping for the life of the tower. Guy anchors are required to be individually enclosed with a fence.
4. Rooftop communication towers, ~~including microwave antennas, shall not exceed the height of twenty feet (20') above the existing roofline of the building.~~ May be developed in accordance with Ordinance 99-1 Wireless Communication Facilities.
5. Any proposed increase in height for an existing tower must comply with all requirements of this section.

6. All communication towers are conditional uses and subject to determination of suitability of location by the Board of County Commissioners and major development review standards.
7. ~~Communication towers are allowed in the following land use categories as a conditional use: Rural Low Density, Rural Village, Rural Residential, General Agriculture, Large Scale Agriculture, Industrial, Commercial and Conservation Residential.~~ Camouflage towers (i.e., flagpoles, bell/clock towers) and rooftop wireless communication facilities are allowed in all land use districts. Self-support, monopole, and guyed wire towers are allowed in agricultural, industrial, commercial, and rural land use categories. Applications for self-support, monopole, and guyed towers will be considered in other land use categories on a case-by-case basis.
8. A map of existing towers with the number of available co-location heights of each tower, within a five (5) mile radius will be required as a support document to the major review process.

B. Residential. ~~The height limitations contained in this Code do not apply to spires, belfries, cupolas, radio/television antennas, water tanks, ventilators, chimneys or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.~~

C. Exemptions: Amateur Radio antennas shall conform to the Federal Communication regulations and are pre-exempted from requirements of this Code regarding placement, screening and height pursuant to Section 125.561, Florida Statutes.