
Sec. 94-324. - Level I development standards.

- a. *Amateur radio towers.* The requirements in this section regarding amateur radio towers are based on health, safety, and aesthetic considerations and has been crafted to accommodate reasonable amateur communications, and to represent the minimum practicable regulation to accomplish the city's legitimate purposes.
1. *License.* Applicant shall provide a copy of a valid FCC amateur operator's license as required by 47 C.F.R. § 97.5.
 2. *Building permit.* An amateur radio tower shall not be erected until a valid building permit has been obtained from the city.
 3. *Height.* Tower height and location shall comply with applicable federal and state law regarding amateur radio towers, including the requirements of F.S. § 166.0435, and Amateur Radio Preemption, 101 FCC2d 952 (1985) ("PRB-1"). Any height request from an amateur tower applicant in excess of 50 feet in non-historic districts and 25 feet in historic districts shall require a variance pursuant to section 94-339 of this Code. The applicant shall present technical evidence to demonstrate that the antenna structure is the minimum practical height necessary to allow function at all amateur frequency bands.
 4. *Minimum setback requirements.*
 - a. Free standing tower. A distance equal to the height of the tower shall separate new amateur radio towers from property lines, right-of-way lines and/or easements.
 - b. Tower or antenna support structure bracketed to main structure. A distance equal to the measurement from the top bracket to the top of the highest antenna shall separate the tower/antenna support from property lines, right-of-way lines and/or easements.
 - c. Any relocation of an amateur radio tower on the same parcel must comply with current setback requirements. A variance may be obtained if the relocation does not increase the amount by which setbacks are nonconforming, other than increases necessitated solely by changes in size of the base to support the new tower.
 5. *Location.* Behind the principal structure and located, to the extent practical, to limit sight from the public rights-of-way, without interfering with communications and operability. If free standing, tower or antenna shall be located toward the rear of the property.
 6. *Antenna element.* Antennas shall be mounted so as to provide for removal at the approach of hurricanes.
 - a. The addition of antenna elements or the replacement of existing antenna elements shall be permitted provided that the new or replacement does not increase the height or wind loading of the subject facility as evidenced by a sealed statement from a structural engineer licensed by the state of Florida.
 7. *Variance.* Amateur tower applicants that do not meet the requirements set forth in this section may seek a variance or waiver, as applicable, pursuant to the procedures in section 94-339 and shall provide information to the city as to the technical basis for the applicant's request.

(Ord. No. 4549-15, § 2(94-334), 6-8-2015)