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## **Sec. 94-320. - Wireless communications facilities.**

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- a. *Purpose.* The purpose of this article is to establish general guidelines for the siting (not in public rights-of-way) of towers and other structures used for wireless communications and broadcast facilities including the antenna, ground equipment, and accessory structures related to wireless communications infrastructure, and to promote the health, safety, and general welfare of the public from:
1. Potential injury to citizens and damage to property from falling towers;
  2. Potential injury to people while playing around towers and their appurtenant compounds;
  3. Potential injury and damage to low-flying law enforcement and medical helicopters and public and private aircraft;
  4. Potential aesthetic harm to residential communities;
  5. Potential incompatibility with historic districts; and
  6. Potential negative economic impacts on the heritage and scenic tourist industry.
- b. *Jurisdiction.* These regulations shall govern the establishment and maintenance of wireless communications facilities not within the public rights-of-way. Provisions of this [DIVISION 2] shall apply uniformly to all areas within the jurisdiction of the city.
- c. *Exempt facilities.* The following items are exempt from the provisions of this division; however compliance with other applicable regulations in this Code and all applicable building permits and other permits required by the code will be required:
1. Any amateur radio tower less than 50 feet in height and located at the rear of the property, not located in an historic district, or less than 25 feet in height and located at the rear of the property located in a historic district.
  2. Satellite earth stations that are one meter (39.37 inches) or less in diameter in all non-historic residential districts and two meters or less in all other non-historic zoning districts.
  3. A government-owned wireless communications facility, upon the declaration of a state of emergency by federal, state, or local government, and a written determination of public necessity by the city designee; except that such facility must comply with all federal and state requirements. No wireless communications facility shall be exempt from the provisions of this division beyond the duration of the state of emergency.
  4. A government-owned wireless communications facility erected for the purposes of installing antenna(s) and ancillary equipment necessary to provide communications for public health and safety.
  5. A temporary, commercial wireless communications facility, upon the declaration of a state of emergency by federal, state, or local government, or determination of public necessity by the city and approved by the city; except that such facility must comply with all federal and state requirements. The wireless communications facility may be exempt from the provisions of this division up to three months after the duration of the state of emergency.
  6. A temporary, commercial wireless communications facility, for the purposes of providing coverage of a special event such as news coverage or sporting event, subject to approval by the city, except that such facility must comply with all federal and state requirements. Said wireless communications facility may be exempt from the provisions of this division up to one week after the duration of the special event.
- d. *Applicability.* These regulations shall apply to installation, construction, or modification of all wireless communications facilities not exempt under subsection (c) above, including but not limited to:
1. Non-exempt amateur radio station antennas and structures more than 25 feet in height within an historic district; and those 50 feet or higher in non-historic districts, consistent with the requirements of F.S. § 166.0435.
  2. Non-exempt satellite earth stations.
  3. Existing antenna support structures.
  4. Proposed antenna support structures.
  5. Public antenna support structures.

6. Replacement of existing antenna support structures.
7. Mitigation of antenna support structures.
8. Collocation on existing antenna support structures.
9. Attached wireless communications facilities.
10. Concealed wireless communications facilities.
11. Broadcast facilities.

(Ord. No. 4549-15, § 2(94-330), 6-8-2015)