

tions to correct damages as allowed by the escrow agreement, the cash deposit or letter of credit will be returned to the applicant on the 200th day after the completion of the installation of the communications services facilities subject to the permit. The cash deposit or letter of credit will be held as security to ensure that damages caused by the applicant or its contractors and subcontractors during its installation activities are promptly corrected. The escrow agreement will allow the city to use escrow funds or letter of credit to correct property damages, including to other utilities and improvements within the right-of-way and to adjacent public or private property.

(e) The escrow agreement, letter of credit draw agreement and letter of credit will be in a form and with terms acceptable to the city. The city manager is authorized to create a escrow agreement and letter of credit draw agreement for use by applicants. With regard to installation of wireless facilities, the city manager may accept a letter of credit from a local bank with terms acceptable to the city in lieu of a cash deposit. No right-of-way permit for the installation of communication services facilities will be issued unless and until the required escrow agreement or letter of credit draw agreement is executed and the required cash deposit or letter of credit is made.

(f) Except for the provisions of subsection (a), this section does not apply to communication services facilities relocation work compelled by the Florida Department of Transportation or the city pursuant to F.S. § 337,403.

(Ord. No. 24-09, § 2, 5-23-24; Ord. No. 24-49, § 2, 12-12-24)

Sec. 70-4. Stop work order.

If at any time it is discovered that a permit holder for the installation of communication services facilities or its contractors, subcontractors or any others performing work through the permit holder caused damages to other utilities and improvements within the right-of-way or to adjacent public or private property and such damages were not promptly corrected by the permit holder, the city shall have the authority

to issue a stop work order under all permits obtained by the permit holder. If a stop work order is issued by the city, all work on the permits impacted by the stop order shall cease and not recommence unless and until the stop work order is released.

(Ord. No. 24-09, § 2, 5-23-24)

Sec. 70-5 Limitation on work area.

Due to the constraints placed on city staff concerning communication services facilities installation projects and associated utility locates and need to ensure that damage caused by the permit holder's installation activities is timely corrected, the city shall have the right to limit the area of the applicant's work site per permit to not exceed 4,000 linear feet as a condition of any right-of-way permit. This provision does not apply to the installation of wireless facilities.

(Ord. No. 24-09, § 2, 5-23-24)

Secs. 70-6—70-25. Reserved.

Sec. 70-26. Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Colocation means the siting of two or more communication antennas on a single communication tower or the siting of one or more antennas on an existing building or structure.

Communication antenna means an antenna designed to transmit or receive communications as authorized by the Federal Communications Commission (FCC).

Communication tower means a building or ground-mounted tower which is greater than 35 feet in height, as measured from the finished grade of the property, including antenna, and is principally intended to support communication (transmission or receiving) equipment for radio, television, microwave, cellular and similar communication purposes. The term "communication tower" shall not include amateur radio operators' equipment licensed by the Federal Communications Commission. Communication towers

may include monopoles (freestanding), guyed towers (structure anchored with guy wires), or self-supporting (square, triangular or other shape capable of providing self support), in plain view and constructed of steel lattice, tubular steel, reinforced concrete, wood or other material capable of providing support under compression.

Memorandum of lease means a document in recordable form which shall indicate that one or more other service providers have entered into an agreement or lease with the communication tower owner and that more than one service provider is entitled to locate communication antennas on the tower.

(Ord. No. 97-31, § 1 (29-1), 9-11-97)

Cross reference—Definitions generally, § 1-2.

Sec. 70-27. Findings, intent and purpose.

The city expects to receive, with increasing frequency, requests to site communication towers. Prior to the effective date of the ordinance from which this article derives, the city's Code did not comprehensively address all of the issues related to siting communication towers. Further, the health, safety and welfare of the public is best protected and furthered through adoption of this article. Accordingly, the city finds that the promulgation of this article is warranted and necessary to:

- (1) Regulate the location of communication towers in the city.
- (2) Protect residential areas and land uses from potential adverse impacts of communication towers, while at the same time allowing for the reasonable needs and benefits associated with communication towers.
- (3) Minimize adverse visual impacts of communication towers through careful design, siting, landscape screening and innovative camouflaging techniques.
- (4) Accommodate the growing need for communication towers.
- (5) Promote and encourage shared use/colocation of existing and new communica-

tion towers as a primary option rather than construction of additional single-use towers.

- (6) Consider the public welfare, health and safety in regard to communication towers.
- (7) Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

(Ord. No. 97-31, § 1 (29-4), 9-11-97)

Sec. 70-28. Applicability.

(a) All communication towers in the city shall be subject to this article and all other applicable regulations. For the purpose of measurement, communication tower setbacks as listed in section 70-56 and separation distances as listed in section 70-57(c) shall be calculated and applied to facilities located within the city limits, in the unincorporated county and, if applicable, elsewhere.

(b) Communication towers in excess of 300 feet shall require a special exception and shall also be in compliance with the setbacks, separation distances from other uses, separation distances from other communication towers and notice requirements, as set forth in sections 70-56, 70-57(c), 70-58(b) and 70-99, respectively.

(c) All new communication antennas which are not attached to communication towers shall comply with division 4 of this article.

(d) All communication towers existing on the effective date of the ordinance from which this article derives shall be allowed to continue their usage as they exist on such effective date in accordance with the following requirements. Routine maintenance and repair shall be permitted on such existing towers. New construction and replacement or repair of more than 30 percent of the value of the communication tower as valued on the date of a proposed replacement, with the tower valued as severed from the realty, on an existing communication tower shall require compliance with this article for new construction.

(e) For purposes of implementing this article, a communication tower that has received city approval in the form of either a special excep-

tion, variance, or building permit, but has not yet been constructed, shall be considered an existing tower so long as such approval is current and not expired.

(f) For purposes of implementing this section, an A.M. broadcasting antenna array consisting of one or more tower units and supporting ground system which functions as one A.M. broadcasting antenna shall be considered one communication tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the A.M. array.

(g) For purposes of implementing this section, the term "memorandum of lease" shall mean a document in recordable form which shall indicate that one or more other service providers have entered into an agreement or lease with the communication tower owner and that more than one service provider is entitled to locate communication antennas on the tower and shall be located on the tower within three years from the date the certificate of completion is issued for the communication tower. While the memorandum of lease must specifically name one or more other service providers at the time it is recorded, it may or may not remain service provider specific throughout the three-year colocation period. If other service providers on the initial recorded memorandum of lease fail to colocate on the tower, for whatever reason, it is the responsibility of the tower owner to make a good-faith effort to accomplish colocation within the prescribed three-year period. Failure to have colocation accomplished within the three-year period will require the tower approval to be subject to review under section 70-132, and the city commission shall seek to revoke the permit and proceed with removal of the tower at the owner's expense. If the city commission decides to pursue this option after being advised of the failure to comply, the city manager shall first prepare a report and forward it to the city commission and the tower owner.

(h) For purposes of implementing this section, the term "colocation" shall mean the ability and right of two or more different service providers (carriers) to place communication antennas on one communication tower.

(i) For purposes of implementing this section, the term "service provider" shall mean any individual or entity which locates a communication antenna on a communication tower.
(Ord. No. 97-31, § 1 (29-5), 9-11-97)

Sec. 70-29. Exemptions.

Government-owned communication towers shall be exempted from the minimum separation distances set forth in this article.

(Ord. No. 97-31, § 1 (29-6), 9-11-97)

Sec. 70-30. Permitted uses and special exceptions.

The allowable use of communication towers as either permitted uses or special exceptions in the

several zoning districts shall be as set forth in chapter 118, as amended by the ordinance from which this article derives.

(Ord. No. 97-31, § 1 (29-7), 9-11-97)

Sec. 70-31. Compliance with federal regulations.

If any interpretation or construction of any section, subsection, sentence, clause, phrase, or portion of this article conflicts with those federal regulations set forth in 47 USC 332, the federal regulations shall control.

(Ord. No. 97-31, § 1 (29-8), 9-11-97)

Secs. 70-32—70-55. Reserved.

DIVISION 2. PERFORMANCE STANDARDS

Sec. 70-56. Setbacks.

(a) Communication tower setbacks shall be measured from the base of the communication tower (for guy wires, the location of the guy wires shall be considered as part of the base of the tower) to the property line of the parcel on which it is located. Communication towers shall comply with the minimum setback requirements of the district in which they are located.

(b) For towers located in planned unit developments (PUDs), the setback requirements for the parcel upon which the tower is located as required by the PUD shall apply.

(c) When there are nonconforming residential uses on nonresidentially zoned property, a 50-percent reduction to the side or rear yard setback opposite the nonconforming residential use may be permitted by the city.

(Ord. No. 97-31, § 1 (29-9), 9-11-97)

Sec. 70-57. Separation from off-site uses.

(a) Communication tower separation shall be measured from the base of the tower (for guy wires, the location of the guy wires shall be considered as part of the base of the tower) to the closest point of off-site uses or designated areas as specified in the table set forth in subsection (c) of this section.

(b) Separation requirements for communication towers shall comply with the minimum standards established in the table set forth in subsection (c) of this section. However, when an applicant submits an application for a proposed monopole tower permit, which application includes at least one colocated communication antenna detailed on the permit and further provided that both the primary and colocated antennas are erected prior to certificate of completion, the separation distances listed in subsection (c) of this section as a 500-percent distance separation is reduced to 400 percent.

(c) Communication tower separation from off-site uses/designated areas shall be as follows:

<i>Off-Site Uses / Designated Area</i>	<i>Minimum Separation from Off-Site Use / Designated Area</i>
All uses listed within but not prohibited in the R1-A, R-1, R1-B, and R-2 zoning districts, and single-family use and vacant land in R-3; including modular homes and mobile homes used for living purposes. All areas zoned R1-A, R-1, R1-B and R2	1,250 feet or 500% height of tower, whichever is greater, but limited to a maximum of 1,500 feet
All uses listed within but not prohibited in R-NC zoning district and existing multifamily uses in R-3. All areas zoned R-NC	825 feet or 400% height of tower, whichever is greater, but limited to a maximum of 1,250 feet
All uses allowed in the affected PUD	1,250 feet or 500% height of tower, whichever is greater, but limited to a maximum of 1,500 feet, or 825 feet or 400% height of tower, whichever is greater, but limited to a maximum of 1,250 feet, as appropriate
All other zoning districts	None; only district setbacks apply

(d) A reduction of up to 50 percent of the minimum separation distances set forth in subsection (c) of this section may be approved by the planning and zoning board when the proposed communication tower conforms to two or more of the following criteria:

(1) Camouflaging techniques approved by the city are incorporated into the design and construction of the communication tower.

- (2) Two or more communication service providers agree to colocate communication antennas on the same tower.
- (3) The towers within the required separation distance and intervening property are all located in an industrial zoning district as a permitted use pursuant to chapter 118.
- (4) The proposed location will minimize the visual impact of the proposed communication tower due to the bulk, height, use, or appearance of the adjacent structures and surrounding area.

(Ord. No. 97-31, § 1 (29-10), 9-11-97)

Sec. 70-58. Separation distances between communication towers.

(a) Separation distances between communication towers shall be applicable for and measured between the proposed tower and those towers that are in existence or have received city special exception, variance, or building permit approval after the effective date of the ordinance from which this section derives.

(b) The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower. The separation distances (listed in linear feet) shall be as set forth in the table in exhibit A, attached to Ordinance No. 97-31 and on file in the city offices.

(c) Communication tower separation distances shall be calculated and applied to facilities located within the city limits, in the unincorporated county and, if applicable, elsewhere.

(d) A reduction of up to 50 percent of the minimum separation distances set forth in subsection (b) of this section may be approved by the planning and zoning board when the proposed communication tower conforms to two or more of the following criteria:

- (1) Camouflaging techniques acceptable to the city are incorporated into the design and construction of the communication tower.

- (2) Two or more communication service providers agree to colocate communication antennas on the same tower.
- (3) The towers within the required separation distance and intervening properties are all located in an industrial zoning district as a permitted use pursuant to chapter 118.
- (4) The proposed location will minimize the visual impact of the proposed communication tower due to the bulk, height, use, or appearance of the adjacent structures and surrounding area.
- (e) The separation distances listed in subsection (b) of this section for proposed monopole towers shall be decreased by 500 feet for proposed towers 80 feet and higher in height and decreased by 100 feet for proposed towers less than 80 feet in height, provided such monopole tower applicant submits an application for a proposed monopole tower permit, which application includes at least one colocated communication antenna detailed on the permit and further provided that both the primary and colocated antennas are erected prior to the certificate of completion.

(Ord. No. 97-31, § 1 (29-11), 9-11-97)

Sec. 70-59. Height limitation and method of determining height.

Measurement of communication tower height shall include the antenna, base pad, and other appurtenances and shall be measured from the finished grade of the parcel. If the finished grade is more than three feet above the natural grade, measurement shall be from the natural grade. The height of a communication tower shall not exceed 300 feet without the city commission's approval of a special exception and a variance.

(Ord. No. 97-31, § 1 (29-12), 9-11-97)

Sec. 70-60. Illumination.

Communication towers shall not be artificially lighted except to ensure human safety or as required by the Federal Aviation Administration (FAA). At the time of the construction of the communication tower, when there are residential uses or zoning located within a distance which is

300 percent of the height of the tower from the base of the tower, dual mode lighting shall be requested from the FAA.

(Ord. No. 97-31, § 1 (29-13), 9-11-97)

Sec. 70-61. Finished color.

Communication towers not requiring Federal Aviation Administration painting or marking shall have either a galvanized finish or shall be painted a noncontrasting blue, gray, or black finish.

(Ord. No. 97-31, § 1 (29-14), 9-11-97)

Sec. 70-62. Anchor location.

All communication tower supports and anchors shall be located entirely within the boundaries of the development site and shall be set back from the development site perimeter a minimum distance of five feet, or the minimum setback of the zoning district in which the communication tower is located, whichever is greater. All such supports and anchors shall also observe a minimum, horizontal setback from all overhead utility lines of not less than ten feet.

(Ord. No. 97-31, § 1 (29-15), 9-11-97)

Sec. 70-63. Structural design.

Communication towers shall be constructed to the EIA/TIA 222-E standards, as published by the Electronic Industries Association, which may be amended from time to time, and to all county and city construction and building codes. New free-standing communication towers shall incorporate a design that provides an integral nesting platform to direct the most likely site for osprey or eagle nesting to a location on the tower which will reduce the risk of interference with tower equipment and maintenance. Submission of a site plan and engineering and construction plans sealed and verified by a professional engineer registered in the state are required. Further, any improvements and additions (i.e., antenna, satellite dishes, etc.) to communication towers existing on the effective date of the ordinance from which this article derives shall require submission of site plans, engineering and construction plans, sealed and verified by a professional engineer registered in the state which demonstrate compliance with the EIA/TIA 222-E standards in effect at the time

of such improvement or addition. Such plans shall be submitted and reviewed and considered for approval by the city after the building permit application has been filed with the city.

(Ord. No. 97-31, § 1 (29-16), 9-11-97)

Sec. 70-64. Equipment buildings.

(a) All communication tower equipment and buildings and structures that occupy less than 100 square feet of ground shall conform to the setback requirements for an accessory use. All communication tower equipment and buildings and structures that exceed 100 square feet of ground shall conform to the zoning district setback requirements of chapter 118.

(b) One unmanned communication equipment building or structure may be constructed for each communication service provider that collocates one or more antennas on a communication tower site.

(Ord. No. 97-31, § 1 (29-17), 9-11-97)

Sec. 70-65. Fencing.

A decorative brick wall not less than eight feet in height from the finished grade shall be provided around the perimeter of all communication tower sites for ground-mounted communication towers. Continuous barbed wire or other security measure providing at least as much deterrent as the barbed wire shall be used along the top of the wall. Access to the communication tower site shall be through a locked gate. Communication towers mounted on buildings shall provide security comparable to ground-mounted tower sites.

(Ord. No. 97-31, § 1 (29-18), 9-11-97)

Sec. 70-66. Public information signage.

(a) In addition to other public notice requirements, ten days prior to the public hearing for a special exception, variance, building permit or appeal of the city's decision by the applicant regarding matters in this article, the communication tower owner/operator shall cause to be placed on the communication tower site signage indicating the nature of the request and the fact that the hearing relates to a communication tower.

(b) The notice required in subsection (a) of this section shall comply with the requirements of this section. One four-foot by four-foot sign shall be placed along each right-of-way frontage bordering the parcel. Public information signage shall be set back ten feet from each abutting right-of-way line. Public information signage copy shall be visible and legible from the right-of-way.

(c) Each sign shall be weather durable and shall include, in addition to the designation, the company name of the communication tower owner/operator, and the telephone number and contact person from whom additional information may be obtained.

(d) Appropriate city building permits shall be obtained pursuant to chapter 102 prior to installation of the signage.

(e) Such signage may not be removed prior to the start of construction, but shall be removed prior to the issuance of a certificate of completion for the work for which the permit was obtained. If the approval of the variance, special exception or building permit listed in subsection (a) of this section expires or otherwise becomes void, the signage shall be removed immediately.

(f) Notwithstanding chapter 102, no signage shall be allowed on any communication tower, communication tower equipment, building or fence enclosing any communication tower, except as is required in this section and as required for public safety purposes, or as may be required by the Federal Communications Commission or the city. (Ord. No. 97-31, § 1 (29-19), 9-11-97)

Sec. 70-67. Landscaping and parking.

(a) The visual impacts of a communication tower and ancillary structures shall be mitigated for nearby viewers through landscaping or other screening materials. The landscaping and buffering of communication towers in this section shall be required around the perimeter of the tower and ancillary structures. Ancillary structures include but are not limited to buildings and equipment. Further, the use of existing vegetation shall be

preserved to the maximum extent practicable. The following requirements shall apply to communication tower sites:

- (1) A row of shade trees, a minimum of eight feet tall and a maximum of ten feet apart, shall be planted and maintained at locations surrounding the tower and buildings and equipment such that maximum screening from adjacent lands and rights-of-way are achieved.
- (2) A continuous hedge at least 30 inches high at planting capable of growing to at least 36 inches in height within 18 months shall be planted and maintained in front of the tree lines referenced in subsection (a)(1) of this section.
- (3) All landscaping shall be of the evergreen variety.
- (4) All landscaping shall be xeriscape tolerant or irrigated and properly maintained to ensure good health and viability.

(b) The city shall require a parking area to be designated to serve all communication tower sites and facilities at each location and to be placed within the wall and landscaping required by subsection (a) of this section. Parking requirements may be waived for camouflaged and accessory communication towers; provided, however, that the parking area shall provide at least one parking space.

(Ord. No. 97-31, § 1 (29-20), 9-11-97)

Sec. 70-68. Documentation or deposit for removal.

(a) Prior to receiving a building permit for construction of the communication tower, if the applicant does not provide a recorded memorandum of lease of colocation, the applicant shall provide either of the following:

- (1) Sufficient documentation to the planning director to demonstrate that an adequate methodology or sufficient funds are dedicated to and available for removal of the tower structure upon abandonment (by way of example and not limitation, sufficient documentation would include evi-