Section 16.50.480 - Wireless Communication Antenna, Structure

Sections:

16.50.480.1 Purpose and intent
16.50.480.2 Wireless communication antennae (WCA)
16.50.480.3 Wireless communication support facilities (WCSFs)
16.50.480.4 Abandoned WCSFs
16.50.480.5 Notice
16.50.480.6 Variances and Appeals
16.50.480.7 Use Matrix for WCSFs
16.50.480.8 Citizen Band and Amateur Radios

16.50.480.1 Purpose and intent

A. The purpose and intent of these regulations are to regulate the establishment of wireless communication support facilities (WCSF) in recognition of the public need and demand for advanced telecommunication and information technologies and services balanced against the impacts such facilities may have on properties within the City. This balance is established by:

1. Providing for the appropriate location and development criteria for WCSFs and wireless communication antennas (WCAs) within the City; and

2. Encouraging WCSFs to locate in and to be surrounded by commercial and industrial uses;

3. Minimizing the adverse effects of WCFSs through careful design, siting and screening criteria;

4. Maximizing the use of existing and future WCSFs and encouraging multiple users on such facilities;

5. Protecting the archeological, architectural and historical character of neighborhoods and designated historic districts and landmarks.

B. These regulations are in addition to other regulations that may be applicable, including but not necessarily limited to certificates of appropriateness, community redevelopment plan reviews, and wireless communications systems permits.

16.50.480.2 Wireless communication antennae (WCA)

A. To encourage co-location and to minimize the number of WCSFs within the City, WCAs are considered a permitted accessory use when placed on or attached to any structure which constitutes a principal use, including existing WCSFs, provided that any WCA shall not extend more than 20 feet above the tallest portion of the structure on or to which it is attached.

B. No personnel shall be allowed on the premises except as necessary for maintenance and repair.

C. Accessory equipment storage areas shall be no greater than 15 feet in height and shall meet all zoning requirements.
D. Not more than two WCAs are permitted on any site used as a single-family dwelling unit. These WCAs shall be used solely to provide service to that single-family dwelling unit, shall not be used for any commercial purpose, and shall not exceed 12 feet above the roof line.

E. All WCAs shall be designed to blend into or shall be shielded by the principal structure, where possible, taking into consideration the location of the WCA and the visibility from the right-of-way and neighboring uses.

F. Accessory equipment storage areas are prohibited in any government rights-of-way except interstate rights-of-way.

G. The installation of a WCA in any zoning district shall be reviewed by the POD. The POD shall approve such requests that meet the requirements of these regulations and F.S. 365.172(11). Such review by the POD shall be without notice.

H. A WCA proposed to be located on a historic landmark or in a designated historic district shall be denied if the WCA creates a detrimental impact on the historic character of the historic landmark or district.

16.50.480.3 Wireless communication support facilities (WCSFs)

A. General criteria.

1. WCSFs shall be constructed in compliance with the Building Code.

2. WCSFs shall comply with all applicable Federal Aviation Administration requirements.

3. WCSFs shall not be used for advertising purposes and all signage or symbols are prohibited.

4. WCSF’s shall meet all requirements of the Zoning District that are not in conflict with these regulations.

5. A WCSF may be located on a lot containing other principal uses. In such cases, the area within which the WCSF is located shall be defined by landscaping or, where landscaping is not required, by fencing. The area may be smaller than the minimum lot size of the applicable zoning district.

6. If a WCSF is located on a lot as the only principal permitted use, the minimum lot size shall be 5,000 square feet with a minimum lot width of 50 feet.

7. Minimum yard requirements shall be measured from the lot boundary to the nearest point of the WCSF or the accessory equipment storage area, whichever is closer to the lot boundary.

8. WCSFs shall have a landscaped buffer so that the base of the WCSF and accessory equipment storage area shall be screened from view from any right-of-way, residential use or residential zoning district. Such landscaped buffer shall consist of hedges planted leaf to leaf which shall reach a height of not less than six feet at maturity and shade trees of at least three inches dbh planted every 30 feet along the approved buffer unless safety requirements of the principal use require otherwise (i.e. utility substations).

9. The construction of the WCSF shall be of monopole design unless it can be demonstrated that such design is not feasible to accommodate the user or co-location.
10. The application shall contain information showing the geographic search area within which the proposed WCSF must be located and shall also provide locations of all structures of similar height within and adjacent to the search area.

11. If co-location or location as a permitted accessory use is not proposed, then the applicant shall demonstrate in the application why co-location or location as a permitted accessory use is not possible.

12. WCSFs shall not have exterior materials with a shiny or reflective finish.

13. The applicant shall provide such financial assurances to the City as the City may reasonably require which shall insure the payment of the cost of removal of the WCSF when abandoned (for example: letter of credit, bond, cash held by the City).

B. Replacement of existing WCSF. An existing WCSF which was lawful at the time of its construction may be replaced for purposes of accommodating co-location of additional WCAs or otherwise provided that:

1. The replacement WCSF shall not exceed a total height of 150 feet or, if the existing WCSF has an approved height variance greater than 150 feet, the replacement WCSF shall not exceed the approved height. If the replacement WCSF is located in one of the zoning districts listed in Column A of the Use Matrix for WCSFs, then the replacement WCSF shall not exceed the existing height without special exception approval.

2. The replacement WCSF shall be located within the same zoning lot as the existing WCSF and shall comply with minimum yard requirements.

3. The applicant shall cause the existing WCSF to be removed not later than ninety days following completion of the replacement WCSF and the relocation or installation of the WCA. In any event, the existing WCSF shall be removed within 180 days of the City's final construction inspection of the replacement WCSF.

4. If the location of the replacement WCSF is such that the existing WCSF must be moved before the replacement WCSF is constructed, temporary portable antennae support facilities may be used, but shall be removed within thirty days of the completion of the replacement WCSF and the relocation or installation of the WCA. In any event, the temporary portable antennae facilities shall be removed within 60 days of the City's final construction inspection of the replacement WCSF.

5. The replacement WCSF shall meet the General Criteria.

6. The installation of a replacement WCSF in any zoning district must be reviewed by the POD prior to installation. The POD shall review all such requests and shall approve such requests that meet the requirements of this section. Such review by the POD shall be without notice.

C. Review criteria for all new WCSFs, except replacement WCSFs.

1. A new WCSF shall not be approved unless it can be demonstrated by the applicant that there is no existing WCSF or other structures or replacement of an existing WCSF that can be used for the placement of a WCA. Information concerning the following factors, which shall be provided by the applicant, shall be considered in determining whether such locations exist:

   a. Insufficient structural capacity of existing WCSFs or other suitable structures and
infeasibility of reinforcing or replacing an existing WCSF;

b. Unavailability of suitable locations (including other sites within the zoning districts listed in Columns B and C of the Use Matrix for WCSFs to accommodate system design or engineering on an existing WCSF or other structures;

c. Radio frequency interference or other signal interference problems at existing WCSF or other structures;

d. A comparative evaluation (which may include cost studies) for the placement of a new WCSF versus the utilization of existing WCSFs, other structures (such as buildings or power transmission poles), the availability of alternative technologies or the placement of multiple smaller height WCSFs as alternatives to provide the same level of service. However, the fact that the use of an existing WCSF or other structure would cost more than the cost of constructing a new WCSF will not, absent other factors, justify approval;

e. Other factors which demonstrate the need for the new WCSF.

2. The applicant shall include a statement in the application of its good faith intent to allow the co-location of the WCA of other entities, provided that the cost of modifying the WCSF to accommodate the co-location WCA is borne by the co-locating entity.

3. The applicant shall send a written notice to all potential users of the new WCSF offering an opportunity for co-location. The list of potential users shall be provided by the City based on those entities who have requested approval of WCSF in the past, current FCC license holders and any other entities requesting to be included on the list. Copies of the notice letters shall be provided to the City at the time the application is filed. If, during a period of 30 days after the notice letters are sent to potential users, a user or users request, in writing, to co-locate on the new WCSF, the applicant shall accommodate the request(s), unless co-location is not reasonably possible.

4. WCSFs shall not exceed 150 feet in height. WCSFs over 100 feet in height shall be designed for co-location of at least one other WCA.

5. WCSFs shall meet all General Criteria.

6. The installation of a WCSF in any zoning district listed in Column C of the Use Matrix for WCSFs must be reviewed by the POD prior to installation. The POD shall review all such WCSFs and shall approve such WCSFs that meet the requirements of this section. Such review by the POD shall be without notice.

D. Additional criteria for special exception review of new WCSFs, except replacement WCSFs.

1. WCSFs shall meet all General and Review Criteria.

2. WCSFs which are located within 250 feet of a lot used for a residential use in the zoning districts listed in Column A of the Use Matrix for WCSFs as measured from the base of the WCSF, or located on a designated landmark or within a local or National Register historic district shall be special exception uses subject to review and approval by the Development Review Commission.

3. WCSFs in the zoning districts listed in Column A of the Use Matrix for WCSFs shall be located on lots of not less than four acres.
4. WCSFs in the zoning districts listed in Column A of the Use Matrix for WCSFs shall be located only on property which is owned and used as a principal permitted use by:
   
a. A federal, state or local government agency
b. A school, college or university
c. A utility company
d. A house of worship
e. A cemetery
f. A club, including community service and fraternal clubs
g. A golf course and associated facilities
h. A hospital
i. A property owners association on a site in a NSM zoning district
j. Other such entities on properties not used for a residential use

5. If the WCSF is not entirely surrounded by commercial or industrial uses, a written justification showing why other sites are not reasonable.

6. WCSFs proposed to be located on a historic landmark or in a designated local or National Register historic district shall be denied if the WCSF creates a detrimental impact on the historic character of the historic landmark or district.

7. The POD may require a visual line-of-site analysis to assess impacts of the WCSF. Such analysis may require the applicant to provide visualization of the WCSF on-site which may include graphic representations, balloons, crane or other acceptable method.

8. The review shall consider the comparative evaluation provided by the applicant of alternative methods (placement of a new WCSF versus other alternatives) or alternative site to accomplish the same level of service and shall evaluate the impacts on surrounding properties (including the impact of multiple WCSF’s within proximity of the subject application).

9. The review of WCSFs in the zoning districts listed in Column A of the Use Matrix for WCSFs or within 250 feet thereof shall include but not be limited to whether impacts on the surrounding residential properties need to be minimized through additional setbacks, buffering, tower appearance and other visual impacts.

16.50.480.4 Abandoned WCSFs

Any WCSF which is abandoned shall be removed or demolished by the owner of the property upon which the WCSF is located within 30 days following notice by the POD to the owner. For the purposes of this section, “abandoned” means that no WCA or other commercial antenna has been operational and located on the WCSF for two or more years and the term “operational” shall mean operated commercially for at least 60 consecutive days. Where a WCSF is abandoned but not removed or demolished as required hereby, the City may remove or demolish the WCSF, dispose of the WCSF, and place a lien on the property and WCSF for the costs thereof by following the
procedures (but not the criteria) for demolition of nuisance or unsafe structures in Chapter 8 of the City Code. If the WCSF is removed and sold by the City, the net proceeds after deducting the costs of such sale shall be credited against the costs of removal. Such lien on the property and WCSF shall be superior to all other liens except taxes. The last owner of the WCSF shall also be responsible for all such costs.

16.50.480.5 Notice

Entities which own a WCA or other commercial antenna on a WCSF shall provide written notice to the City when such WCAs or commercial antennae are no longer operational or located on the WCSF.

16.50.480.6 Variances and Appeals

A. Requests for variances shall be reviewed by the Development Review Commission.

B. Requests for additional height for any permitted or previously approved WCSF in the zoning districts listed in the Use Matrix for WCSFs, Column (C) may be granted by the POD to provide for co-location of additional WCAs provided the additional height does not exceed 30 feet. Such action by the POD shall not require additional notice above that required for the WCSF being constructed.

C. Decisions of the POD may be appealed to the Development Review Commission.

16.50.480.7 Use Matrix for WCSFs

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<tr>
<th>Column A</th>
<th>Column B</th>
<th>Column C</th>
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<tr>
<td>Special Exception reviewed by the Development Review Commission</td>
<td>Special Exception reviewed by the POD with notice except as otherwise required by this section</td>
<td>Permitted by right</td>
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<tr>
<td>NT: only on property of a federal, state or local government agency, a school, college and/or university or a utility company</td>
<td>DC-1: west of Dr. ML King Jr. Street, DC-2, RC, EC</td>
<td>CCT</td>
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16.50.480.8 Citizen Band and Amateur Radios

A. WCSFs and antennas used in the operation of Citizen Band and Amateur Radios (CBAR) licensed by the Federal Communication Commission (FCC) are subject to the following requirements:

1. The maximum height of any CBAR WCSF and antenna shall not exceed seventy-five (75) feet or such lower height as established by federal law. CBAR antennas are permitted on any lawfully existing structure.

2. Only one CBAR WCSF is permitted on each lot. One or more CBAR antennas are
permitted on each CBAR WCSF. CBAR antennas shall not exceed the CBAR WCSFs manufacturer’s design load limits. Only CBAR antenna shall be allowed on a CBAR WCSF.

3. CBAR WCSFs and antennas and their installation shall meet all manufacturers’ specifications. The mast or tower shall be of non-combustible and non-corrosive hardware. Hardware such as brackets, turnbuckles, clips and similar type equipment subject to rust or corrosion, shall be protected with a zinc or cadmium coating by either galvanizing or a sherardizing process after forming.

4. The CBAR WCSFs and antennas shall be installed and maintained in compliance with the applicable requirements of all codes, laws and regulations including the Building Code, National Electric Code, FCC Regulations and FAA regulations when applicable. Each CBAR WCSF and antenna shall have vertical and horizontal clearance from any and all electric lines as required by the applicable electric power utility and shall be adequately grounded.

5. CBAR WCSFs shall meet all minimum yard requirements in the zoning district. Guy wires, support anchor structures and wire antennas may be located within the required minimum yard. Unless precluded by site conditions or site-specific transmission/reception requirements as determined by the POD, CBAR WCSFs and antennas shall be located in the rear of the principal structure on a lot or site except for one single mast, unguyed, push pole or flagpole type CBAR WCSF and antennas not exceeding thirty-five feet to be used in connection with a wire antenna which may be located anywhere within the buildable area of a lot or site.

6. No sign or symbol shall be affixed to any part of the CBAR WCSF or antenna. WCSF allowed pursuant to this subsection shall not support any antenna except those licensed by the FCC for CBAR.

7. a. Requests for variances shall be reviewed by the Development Review Commission

b. Decisions of the POD may be appealed to the Development Review Commission.

c. CBAR WCSFs existing on the date of adoption of this subsection (April 8, 1999), which would be regulated by this subsection and which exceed the height limitation of these regulations may be replaced up to their existing height without obtaining a variance.