

REQUESTED COMMISSION ACTION:

Consent     
  Ordinance     
  Resolution     
  Consideration/ Discussion     
  Presentation

SHORT TITLE

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH AMENDING CHAPTER 155 "ZONING CODE", BY AMENDING SECTION 155.4204, "INSTITUTIONAL COMMUNICATION USES" TO MODIFY THE SEPARATION AND SCREENING REQUIREMENTS FOR FREESTANDING TELECOMMUNICATION TOWERS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

**Summary of Purpose and Why:**

The proposed text amendments address new freestanding tower or telecommunication facilities. Staff has determined that the standards related to separation from other towers inadvertently require only those towers in the Public Utility District to be separated from another tower. This requirement is an inverse requirement from that which was included in Ord 1997-68. Therefore Staff is recommending revising the separation language to require new towers located outside of the PU District to be separated. Staff is also recommending the standard related to chain link fences installed in conjunction with these towers be permitted only when not visible from adjacent streets. Finally, chain link fences would not be permitted as part of a required landscaped buffer. The text amendments were unanimously recommended at the January 27, 2016 Planning and Zoning Board meeting (A copy of the draft Minutes are attached).

- (1) Origin of request for this action: Development Services Dept.
- (2) Primary staff contact: Robin M. Bird/ Karen Friedman *RBK* Ext. 7792
- (3) Expiration of contract, if applicable: N/A
- (4) Fiscal impact and source of funding: N/A

DEPARTMENTAL COORDINATION	DATE	DEPARTMENTAL RECOMMENDATION	DEPARTMENTAL HEAD SIGNATURE
Dev. Services	01/20/2016	Approval	Memo #16-040 <i>[Signature]</i>
City Attorney	02/11/2016	<i>[Signature]</i>	Memo #16-501 <i>[Signature]</i>
X Planning and Zoning Board		Approval	Memo #16-013 (02/12/2016)
X City Manager	<i>[Signature]</i>		<i>[Signature]</i>

Ordinance Workshop	Resolution	Consideration
1st Reading	1st Reading	Results:
2nd Reading		



**City Attorney's Communication #2016-501**

February 11, 2016

**TO:** Karen Friedman, AICP, Principal Planner

**FROM:** Mark E. Berman, City Attorney

**RE:** Ordinance Amending Section 155.4204., "Institutional: Communication Uses"

As requested in your memorandum of January 28, 2016, Department of Development Services Memorandum No. 16-061, the following form of Ordinance, relative to the above-referenced matter, has been prepared and is attached:

**AN ORDINANCE AMENDING CHAPTER 155, "ZONING CODE," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY AMENDING SECTION 155.4204., "INSTITUTIONAL: COMMUNICATION USES," TO MODIFY SEPARATION AND SCREENING REQUIREMENTS FOR FREESTANDING TELECOMMUNICATION TOWERS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

Please feel free to contact me if I may be of further assistance.



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MARK E. BERMAN

/jrm  
l:cor/dev-srv/2016-501

Attachment

**CITY OF POMPANO BEACH  
Broward County, Florida**

**AN ORDINANCE AMENDING CHAPTER 155, "ZONING CODE," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY AMENDING SECTION 155.4204., "INSTITUTIONAL: COMMUNICATION USES," TO MODIFY SEPARATION AND SCREENING REQUIREMENTS FOR FREESTANDING TELECOMMUNICATION TOWERS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to law, ten (10) days' notice has been given by publication in a paper of general circulation in the City, notifying the public of this proposed ordinance and of a public hearing in the City Commission Chambers of the City of Pompano Beach; and

**WHEREAS**, a public hearing before the City Commission was held pursuant to the published notice described above, at which hearing the parties in interest and all other citizens so desiring had an opportunity to be and were, in fact, heard; now, therefore,

**BE IT ENACTED BY THE CITY OF POMPANO BEACH, FLORIDA:**

**SECTION 1.** That Section 155.4204., "Institutional: Communication Uses," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

**155.4204. INSTITUTIONAL: COMMUNICATION USES**

...

**F. TELECOMMUNICATIONS FACILITY, ON NEW  
FREESTANDING TOWER**

...

**3. Standards**

In addition to the general standards for all telecommunications facilities in Section 155.4204.C.5, a freestanding telecommunications tower shall also comply with the following standards:

...

**f. Separation Requirements**

...

**ii. Separation from other Towers**

The base of any new monopole tower ~~in the Public Utility (PU) zoning district~~ or any new lattice tower shall be separated from the base of any existing telecommunications tower by at least the minimum separation distance set forth in Table ~~155.3704.F.3.a.iii(B)~~ 155.2404.F.3.f.ii, Minimum Separation from Existing Telecommunication Towers, for the relative heights of the two towers. The base of any new monopole tower or any new lattice tower located within the Public Utility (PU) zoning district shall be exempt from this requirement.

TABLE <del>155.3704.F.3.A.III(B)</del> <u>155.2404.F.3.f.ii</u> : MINIMUM SEPARATION FROM EXISTING TELECOMMUNICATION TOWERS			
HEIGHT OF EXISTING TOWER	MINIMUM SEPARATION DISTANCE (FEET)		
	HEIGHT OF PROPOSED TOWER		
	LESS THAN 50 FEET	50 TO 100 FEET	MORE THAN 100 FT
Less than 50 feet	300	500	650
50 to 100 feet	500	750	866
Over 100 feet	750	1,000	1,300

...

**i. Fence or Wall**

A new lattice or monopole tower, including any guy anchor supports, and any associated ground-based equipment buildings shall be enclosed by security fencing no less than eight feet high. Such fencing may be chain link, provided the chain link fencing is ~~fully screened from~~ not visible from adjacent streets ~~by landscaping material in accordance with Section 155.5302.F.3, Fence and Wall Landscaping and~~ not incorporated into a required buffer.

...

**SECTION 2.** If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

**SECTION 3.** This Ordinance shall become effective upon passage.

**PASSED FIRST READING** this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

**PASSED SECOND READING** this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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**LAMAR FISHER, MAYOR**

**ATTEST:**

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**ASCELETA HAMMOND, CITY CLERK**

:jrm  
2/11/16  
L:ord/ch155/2016-126

evening do not include this change. Mrs. Friedman stated that the document with the red and blue fonts is a request from the CRA to Development Services. Mrs. Evans asked Mrs. Ward to provide an explanation of the purpose of the restriction. Mrs. Ward answered that there may be a conflict with the definition (Professional Office) as a result of the text amendments heard at the Special Set meeting in November. The CRA is not proposing to change the definition in a manner that is inconsistent with the Moratorium issues that were presented to this Board in November. Mrs. Ward stated that Development Services needs to go back and amend the definition of Professional Office. However, they are not doing so this evening.

Dr. Mills stated that he would like to ask a question about Professional Offices. Mrs. Friedman stated that staff is not recommending changes to the definition of Professional Office at this time. This information is just part of the backup that came from the CRA.

Mr. Stacer stated that the Chair will entertain a motion.

**MOTION** was made by Joan Kovac to and seconded by Elizabeth Anderson to recommend approval of the proposed text amendments. All voted in favor of the above motion; therefore, the motion passed.

**9. Chapter 155 Zoning Code Text Amendments, New Freestanding Tower or Telecommunication Facility**

Staff is recommending text amendments addressing new freestanding tower or telecommunication facilities. In particular, the text amendments address separation requirements and the allowance of chain link fences.

Mrs. Friedman introduced herself to the Board and stated that this text amendment proposal is a matter of housekeeping by Development Services. The Code requires towers within the public utility district to be separated from each other. Mrs. Friedman stated that this is an inverse intent of what the City adopted in 1997, which was to allow towers to congregate in the public utility district while towers outside of this district were required to be separated from each other. Staff is requesting that this language be corrected.

Mrs. Friedman stated that the second item relates to chain link fences and how they are permitted to be used in relation to telecommunication facilities. The proposed text amendments help clarify that chain link fences should not be visible from a right-of-way.

There were no questions for staff.

**MOTION** made by Joan Kovac and seconded by Jeff Torrey to recommend approval of the proposed text amendments. All voted in favor of the proposed text amendments; therefore, the motion passed.

**10. Sunshine Law Presentation**

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Any person who decides to appeal any decision of the PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY with respect to any matter considered at this meeting will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. // kem

**PLANNING AND ZONING BOARD/ LOCAL PLANNING AGENCY  
MEMORANDUM #16-013**

**DATE:** February 16, 2016  
**TO:** City Commission  
**FROM:** Planning and Zoning Board/ Local Planning Agency  
**SUBJECT:** Proposed Text Amendments to the Zoning Code,  
New Freestanding Tower or Telecommunication Facility

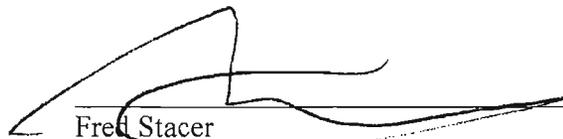
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At the meeting of the Planning and Zoning Board/ Local Planning Agency held on January 27, 2016, the Board considered proposed text amendments to Article 4 (Use Standards) of the Zoning Code, as set forth in the Department of Development Services Administrative Report 16-040.

Staff is recommending revising the language in §155.4204. F.3.g.ii to require any new tower, except those in the PU districts, to comply with the separation standards.

Staff also recommends revising the language in §155.4204.F.3.i to clarify that chain link fences are only permitted when not visible from adjacent streets. Further when required to provide a buffer, a chain link fence may not be provided.

With a unanimous vote for the approval of the amendment, it is the recommendation of the Board that the text amendments be approved.



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Fred Stacer  
Chairman  
Planning and Zoning Board/ Local Planning Agency

ADMINISTRATIVE MEMORANDUM NO. 16-040

DATE: January 20, 2016

TO: Planning and Zoning Board

VIA: Robin M. Bird, Director of Development Services *RB*

FROM: Karen Friedman, AICP, Principal Planner *KBF*

RE: Proposed Revisions to §155.4204.F, New Freestanding Tower or Telecommunication Facility

Staff has prepared text amendments addressing new freestanding tower or telecommunication facilities. In particular the text amendments address separation requirements and the allowance of chain link fences.

### Separation Requirements:

Staff has determined that the standards related to separation from other towers in §155.4204.F.3.g.ii inadvertently require only those towers in the Public Utility (PU) District to be separated from another tower. This requirement is an inverse requirement from that which was included in Ord 1997-68 (see page 17), which stated the following:

*For the purpose of this subsection, the separation distances shall be measured by drawing or following a straight line between the base of the existing or approved structure and the proposed base, pursuant to a site plan of the proposed tower. The minimum tower separation distance shall not apply to new monopole towers in the Public Utilities (PU) Districts nor to stealth towers in any allowable district.*

Further, the need for separation is not necessary in the PU District, as it is the intent of that district is to accommodate those utility uses necessary to serve the community.

Therefore Staff is recommending revising the language in §155.4204. F.3.g.ii to require any new tower, except those in the PU Districts, to comply with the separation standards.

### Chain Link Fences:

The City limits the use of chain link fences in nonresidential and multifamily developments. In particular §155.5302.F.3 states that chain link fences located within 15 feet of a street right-of-way shall be screened with landscaping. Further, §155.5302.G prohibits chain link fences to be installed along properties abutting arterial or collector street designated on the Broward County Trafficways Plan.

# MEMORANDUM

## Development Services

Therefore Staff is recommending revising the language in §155.4204.F.3.i to clarify that chain link fences are only permitted when not visible from adjacent streets. Further when required to provide a buffer, a chain link fence may not be provided.

### **Staff's Request**

Staff is requesting the Board approve the recommended changes to the Zoning Code to the City Commission for adoption.

155.4204. INSTITUTIONAL: COMMUNICATION USES

F. Telecommunications Facility, on New Freestanding Tower

3. Standards

In addition to the general standards for all telecommunications facilities in Section 155.4204.C.5, a freestanding telecommunications tower shall also comply with the following standards:

f. Separation Requirements

ii. Separation from other Towers

The base of any new monopole tower ~~in the Public Utility (PU) zoning district~~ or any new lattice tower shall be separated from the base of any existing telecommunications tower by at least the minimum separation distance set forth in Table ~~155.3704.F.3.a.iii(B)–155.2404.F.3.f.ii~~, Minimum Separation from Existing Telecommunication Towers, for the relative heights of the two towers. ~~The base of any new monopole tower or any new lattice tower located within the Public Utility (PU) zoning district shall be exempt from this requirement.~~

TABLE ~~155.3704.F.3.A.III(B) 155.2404.F.3.f.ii~~: MINIMUM SEPARATION FROM EXISTING TELECOMMUNICATION TOWERS

TABLE <del>155.3704.F.3.A.III(B) 155.2404.F.3.f.ii</del> : MINIMUM SEPARATION FROM EXISTING TELECOMMUNICATION TOWERS			
Height of Existing Tower	Minimum Separation Distance (feet)		
	Height of Proposed Tower		
	Less than 50 feet	50 to 100 feet	More than 100 ft

i. Fence or Wall

A new lattice or monopole tower, including any guy anchor supports, and any associated ground-based equipment buildings shall be enclosed by security fencing no less than eight feet high. Such fencing may be chain link, provided the chain link fencing is ~~fully screened from not visible from adjacent streets and not incorporated into a required buffer by landscaping material in accordance with Section 155.5302.F.3, Fence and Wall Landscaping.~~

*Original*

**CITY OF POMPANO BEACH**  
**Broward County, Florida**

**AN ORDINANCE AMENDING CHAPTER 155, "ZONING CODE", OF THE CODE OR ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY CREATING SECTION 155.072, "TELECOMMUNICATIONS TOWERS AND ANTENNAS"; PROVIDING MINIMUM STANDARDS FOR LOCATION AND APPROVAL OF TELECOMMUNICATIONS TOWERS; PROVIDING MINIMUM STANDARDS FOR LOCATION AND APPROVAL OF TELECOMMUNICATIONS ANTENNAS; PROVIDING FOR SHARED USE OF TELECOMMUNICATIONS TOWERS AND ANTENNA SUPPORT STRUCTURES; PROVIDING ADDITIONAL USES AND REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, it is the desire of the City Commission of the City of Pompano Beach to promote the health, safety and general welfare of the citizens of Pompano Beach by:

A. Regulating the siting of telecommunications facilities and telecommunications towers; and

B. By limiting the proliferation of additional telecommunication towers within the City while concurrently not prohibiting the provision of services by telecommunications service providers; and

C. By providing for the appropriate location and development of telecommunications antennas and towers with the City; and

**WHEREAS**, in accordance with Florida Statutes, Section 166.041(3)(c)2, advertisements in accordance with said statute have been published in a newspaper of general

paid circulation in the City of Pompano Beach and of general interest and readership in the community, notifying the public of two public hearings on this proposed Ordinance; and

WHEREAS, two public hearings have been held pursuant to said published hearings and all persons so desiring had an opportunity to be and were, in fact, heard; now, therefore

**BE IT ENACTED BY THE CITY OF POMPANO BEACH, FLORIDA:**

**SECTION 1:** That Section 155.072, "Telecommunications Towers and Antennas", of the City of Pompano Beach Code of Ordinances is hereby created to read as follows:

SECTION 155.072 TELECOMMUNICATIONS TOWERS AND ANTENNAS.

(A) Intent. The regulations and requirements of this section are intended to regulate the placement, construction and modification of towers and telecommunications facilities in order to protect the health safety and welfare of the public, while at the same time not unreasonably interfering with the development of the competitive wireless telecommunications marketplace in the City of Pompano Beach and

(1) to minimize the total number of towers throughout the community;

(2) to encourage the location of towers in non-residential areas;

(3) to encourage users of towers and antennas to locate them, to the extent possible, in areas where the potential adverse impact on the community is minimal;

(4) to minimize adverse visual impacts of towers and telecommunications facilities through careful design, siting, landscape screening, and innovative camouflaging techniques;

(5) to promote and encourage shared use/co-location of towers and antenna support structures as a primary option rather than construction of additional single-use towers;

(6) to avoid potential damage to adjacent properties caused by towers and telecommunications facilities by ensuring such structures are soundly and carefully designed, constructed, modified, maintained and removed when no longer used or determined to be structurally unsound.

(7) to ensure that towers and telecommunications facilities are compatible with surrounding land uses.

(B) Definitions.

(1) Antenna: a transmitting and/or receiving device that radiates or captures electromagnetic waves, including directional antennas, such as panel and microwave dish antennas, and omni-directional antennas, such as whips; but excluding, radar antennas, amateur radio antennas, satellite earth stations, MMDS antennas, television receiving antennas and direct broadcast satellite dishes.

(2) Antenna support structure: any building or structure other than a tower which can be utilized for location of telecommunications facilities.

(3) Equipment building: a cabinet or other structure containing electronics and other support equipment necessary for a telecommunications antenna to provide service.

(4) Existing towers and Existing telecommunications facilities: any tower or telecommunications facilities for which a permit has been properly issued prior to the effective date of this ordinance, including permitted towers or telecommunications facilities that have not yet been constructed so long as such approval is current and not expired. After the effective date of this ordinance, any tower or telecommunications facility approved and constructed pursuant to the provisions of this ordinance shall be treated as an existing tower or telecommunications facility for purposes of regulation pursuant to this ordinance.

(5) Guyed tower: a telecommunications tower that is supported, in whole or in part, by guy wires and ground anchors.

(6) Microwave dish antenna: a dish-like antenna used to link personal wireless service sites together by wireless transmission of voice or data.

(7) Monopole tower: a telecommunications tower consisting of a single pole or spire self supported by a permanent foundation, constructed without guy wires and ground anchors.

(8) New towers and New telecommunications facilities: any tower or telecommunications facility for which an application for construction or location has been submitted to the City after the effective date of this ordinance. Once such application is approved and the subject tower or telecommunications facility is constructed or located, the tower or telecommunications facility shall be treated as an existing tower or telecommunications facility for purposes of regulation pursuant to this ordinance.

(9) Panel antenna: a planar array of antennas designed to concentrate a radio signal in a particular area.

(10) Self-support/lattice tower: a telecommunications tower that is constructed without guy wires and ground anchors.

(11) Stealth facility: any telecommunications facility which is designed to blend into the surrounding environment. Examples of stealth facilities include: architecturally screened roof-mounted antennas, antennas integrated into architectural elements, painting antennas to blend in with the existing structure, and telecommunications towers designed to look like trees.

(12) Telecommunications Facility: a telecommunications antenna design and any electronics or other equipment necessary at the antenna site for the provision of service, including any equipment building.

(13) Telecommunications tower: a guyed, monopole or self-support/lattice tower, or extension thereto, constructed as a free-standing structure, containing one or more antennas used in the provision of personal wireless services.

(14) Whip antenna: a cylindrical antenna that transmits signals in 360 degrees.

#### (C) Applicability.

(1) New Towers and Telecommunications Facilities. All new towers or telecommunications facilities in the City shall be subject to these regulations.

(2) Re-located Towers and Telecommunications Facilities. An owner of an existing tower or telecommunications facility seeking to re-locate on the same parent tract within the City must meet the requirements of this ordinance. All re-located towers or telecommunications facilities are subject to these regulations.

(3) Modified Tower. An owner of an existing tower seeking to extend the height of said tower must meet the requirements of this ordinance. All modified towers are subject to these regulations.

(4) Applications for Telecommunications Facilities. Every owner/operator seeking to locate a telecommunications facility within the City must attempt to locate on an existing tower or antenna support structure as required by Section F of this ordinance.

(D) General Requirements. The following requirements apply to all existing, re-located, modified or new towers and telecommunications facilities:

(1) Non-essential Services. Towers and antennas will be regulated and permitted pursuant to this ordinance and not regulated or permitted as essential services, public utilities or private utilities.

(2) Conditional Use. Telecommunications towers and their related telecommunications facilities shall be permitted as a conditional use in the (I-1) General Industrial and (I-1X) Special Industrial District subject to the conditions set forth in this ordinance, which follow and the procedure and requirements of code Section 157.32, Development of Land.

(3) Accessory Use. Telecommunication towers and their related telecommunications facilities shall be considered a permitted accessory use in the following zoning districts:

(a) (CF) Community Facility. On property owned by the city, the city shall authorize the application and use of city property after the applicant executes a lease agreement acceptable to the city. The city shall have no obligation whatsoever to execute such lease even if the applicant can meet the criteria set forth herein.

(b) (PU) Public Utilities. On property owned by the city, the city shall authorize the application and use of city property after the applicant executes a lease agreement acceptable to the city. The city shall have no obligation whatsoever to execute such lease even if the applicant can meet the criteria set forth herein.

(4) Special Exception Use. Telecommunication towers and their related telecommunications facilities may be permitted as a Special Exception Use in the (B-4) Heavy Business District subject to the conditions set forth in this ordinance and subject to the standards, conditions and procedures as set out in Code Sections 155.080 through 155.084, inclusive.

(5) Telecommunications facilities not located on towers. Telecommunications facilities on antenna support structures may be permitted in the following zoning districts not to exceed more than 15 feet above the highest point of the roof, including mechanical rooms:

(a) General Industrial District (I-1)

(b) Special Industrial District (I-1X)

(c) General Business (B-3)

(d) Commercial Business (B-2)

(e) High Density Multi-Family (RM-45)

(f) Medium-High Density Multi-Family (RM-30)

(g) Community Facilities

(h) Public Utilities

(6) Inventory of Existing Sites. Each applicant for a telecommunications facility or tower site shall provide to the City's Planning and Zoning Director an inventory of its existing towers, telecommunications facilities or sites for telecommunications facilities or towers, that are either within the jurisdiction of the City or within one mile of the City limits, including specific information about the location, height, and design of each telecommunications facility or tower.

(7) Aesthetics. Towers and telecommunications facilities shall meet the following requirements:

(a) Signs. No commercial signs or advertising shall be allowed on a tower or a telecommunications facility.

(b) Lighting. No signals, lights, or illumination shall be permitted on a tower or a telecommunications facility, unless required by the Federal Aviation Administration or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least obtrusive to the surrounding community.

(c) Graffiti. Any graffiti or other unauthorized inscribed materials shall be removed or otherwise covered in a manner substantially similar to, and consistent, with the original exterior finish. The City shall provide the tower owner and/or operator written notice to remove or cover the graffiti within a specific period of time or as required by other appropriate sections of the Pompano Beach Code of Ordinances as presently existing or as may be periodically amended. In the event the graffiti has not been removed or painted over by the owner and/or operator within the specified time period, the City shall have the right to remove or paint over the graffiti or other inscribed materials. In the event the City has to remove or paint over the graffiti, then the owner and/or operator of the tower or associated equipment building or structure on which the graffiti existed, shall be responsible for all costs incurred.

(8) State or Federal Requirements. All towers and telecommunications facilities must meet or exceed the standards and regulations

of the Federal Aviation Administration, the Federal Communications Commission, and any other agency of the state or federal government with the authority to regulate telecommunications towers and facilities. If such standards and regulations change, then the owners of the towers and telecommunications facilities must bring such towers and facilities into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and telecommunications facilities into compliance with such revised standards and regulations shall constitute grounds for removal of the tower or telecommunications facility at the owner's expense.

(9) Licenses or Franchise. Owners and/or operators of towers and telecommunications facilities must certify that all licenses and/or franchises required by law for the construction and/or operation of a wireless communications system in the City have been obtained and shall file a copy of all such licenses and/or franchises with the City's Planning and Zoning Director. An owner and/or operator of a tower or telecommunications facility must notify the City's Planning and Zoning Director in writing within 48 hours of any revocation or failure to renew any such license or franchise.

(10) In the event the use of a tower or telecommunications facility is discontinued, the owner and/or operator shall provide written notice to the City of its intent to discontinue use and the date when the use shall be discontinued.

(11) Abandoned Tower or Facility. The City may require removal of any abandoned or unused tower or telecommunications facility by the tower owner/operator within thirty (30) days after notice from the City of abandonment. A tower or telecommunications facility shall be considered abandoned if use has been discontinued for one hundred eighty (180) consecutive days.

(a) Where a tower or telecommunications facility is abandoned but not removed within the specified time frame, the City may remove the facility or remove or demolish the tower and place a lien on the property following the procedures (but not the criteria) for demolition of unsafe building/structure of the Unsafe Structures Board of the City. Towers being utilized for other purposes, including but not limited to light standards and power poles, may be exempt from this provision.

(b) Where a tower or facility is removed by an owner, said owner shall restore the area to as good a condition as prior to the placement of the tower or facility, unless otherwise instructed by the City.

(12) Signal Interference. Tower and antenna support structure owners and/or operators shall encourage telecommunications facility owners and/or

operators located at their sites to minimize any potential signal interference at multiple user sites. Telecommunications facility owners and/or operators shall minimize, when technologically feasible, any potential signal interference with public safety communications and the usual and customary transmission or reception of radio and television service enjoyed by adjacent residential and non-residential properties. If the City receives any signal interference complaints from the public, the City will notify the telecommunications facility owners and/or operators suspected of causing such interference. Any owners and/or operators so notified forward shall immediately investigate and minimize the interference problem. Within 10 days of a signal interference notification, any owner and/or operators notified by the City of a signal interference problem shall file a statement with the City's Planning and Zoning Director prepared by a Florida registered engineer identifying any interference detected, the steps taken to minimize any interference detected and, if the interference cannot be reduced, the technical reasons for such a conclusion.

(13) FCC emissions standards. At all times, owners and/or operators of towers and telecommunications facilities shall comply with the radio frequency emissions standards of the Federal Communications Commission.

(14) Maintenance. All towers, telecommunications facilities and antenna support structures shall at all times be kept and maintained in good condition, order, and repair, and, maintained in stealth condition if originally required, so that the same shall not menace or endanger the life or property of any person, and retains its original characteristics. All maintenance or construction on a tower, telecommunications facilities or antenna support structure shall be performed by licensed maintenance and construction personnel.

(15) Exterior finish and Stealth Requirement. Except where superseded by the requirements of other county, state, or federal regulatory agencies possessing jurisdiction over telecommunications towers, towers and associated equipment buildings or structures shall be painted or constructed in neutral colors, including but not limited to noncontrasting gray, designed to blend into the surrounding environment. Towers and associated equipment buildings or structures not requiring Federal Aviation Administration painting or marking that are located in a land use area requiring that such tower and equipment building or structure be a stealth facility, shall have an exterior finish and/or design as approved by the appropriate reviewing body.

(16) Review. The City shall process all applications for telecommunications towers and telecommunications facilities in a timely manner and in accordance with established procedures. The reason for the denial of any application filed in accordance with this provision shall be set forth in writing.

(a) Antennas, including rooftop, building-mounted or co-locations or re-locations within the same site on existing telecommunications towers shall be subject to minor site plan approval procedures established in Chapter 157, Development of Land.

(b) Telecommunication towers shall be subject to major site plan approval procedures established in Chapter 157, Development of Land.

(17) Appeals. Pursuant to Section 155.024, Code of Ordinances, Appeals to the Zoning Board of Appeals may be taken by any person aggrieved by any decision of an administrative officer. A notice of appeal stating the grounds thereof shall be filed with the Planning & Zoning Division.

(18) Variances. The procedure for requesting variances shall be as set forth in Section 155.022 through 155.025, Code of Ordinances.

(19) Revocation. A material breach of any terms and conditions of a permit issued for a tower or antenna under this section, or other material violations of this section, may result in the revocation, by the City of the right to operate, utilize or maintain the particular tower or antenna within the City following written notification of the violation to the owner or operator, and after failure to cure or otherwise correct said violation within the specified allotted time period.

(20) Emergency. City reserves the right to enter upon and disconnect, dismantle or otherwise remove any tower or telecommunications facility should same become an immediate hazard to the safety of persons or property due to emergency circumstances, as determined by the Building Official or his designee, such as natural or manmade disasters or accidents, when the owner of any such facility is not available to immediately remedy the hazard. The City shall notify any said owner of any such action within twenty-four (24) hours. The owner and/or operator shall reimburse the City for the costs incurred by the City for action taken pursuant to this Section of the ordinance.

(E) Existing Towers.

(1) Any owner of a tower containing additional capacity suitable for installation or co-location of telecommunications facilities shall permit telecommunications providers to install or co-locate said facilities on such towers; said co-location shall, however be subject to mutually agreeable terms and conditions negotiated between the parties.

(2) Any existing tower may be modified to accommodate co-location of additional telecommunications facilities as follows:

(a) Application for a development permit shall be made to the Development Review Committee which shall have the authority to issue a development permit without further approval by the Planning & Zoning Board.

(b) The total height of the modified tower and telecommunications facilities attached thereto shall not exceed the maximum height allowed by this Chapter.

(c) Permission to exceed the existing height shall not require an additional distance separation from designated areas as set forth in this article. The tower's pre-modification height shall be used to calculate such distance separations.

(d) A tower which is being rebuilt to accommodate the co-location of additional telecommunications facilities may be moved on the same parent tract subject to compliance with the requirements of this article.

(e) A tower that is relocated on the same parent tract shall continue to be measured from the original tower location for the purpose of calculating the separation distances between towers as provided herein.

(3) Mobile or immobile equipment or materials of any nature not used in direct support of a tower facility shall not be stored or parked on the site of the telecommunication tower, unless immediate repairs to the tower are being made.

(4) Annual registration requirement.

(a) To enable the City to keep accurate, up-to-date records of the placement of telecommunications towers and facilities within City limits, on an annual basis, no later than October 1 of each year, the owner/operator of any tower shall submit documentation to the City's Building Department providing:

1. Certification in writing that the tower is structurally sound and conforms to the requirements of the South Florida Building Code and all other construction standards set forth by the City's Code, federal and state law by filing a sworn and certified statement by an engineer to that effect. The tower owner may be required by city to submit more frequent certifications should there be reason to believe that the structural and electrical integrity of the tower is jeopardized.

(b) The number of providers located on the tower.

(c) The type and use of any antennae located on the tower.

(d) The name, address and telephone number of any new owner, if there has been a change of ownership of the tower.

(e) Annual payment of a registration fee for all towers located within the City of \$300.00 shall be required and shall be submitted to the City's Development Services Department at the time of submission of the documentation as required in Sections (a), (b), (c) and (d) above.

(5) The City reserves the right upon reasonable notice to the owner/operator of the tower to conduct inspections for the purpose of determining whether the tower and/or equipment building complies with the South Florida Building Code and all other construction standards provided by local, state or federal law.

(6) Security.

(a) If high voltage is necessary for the operation of the telecommunications tower or any accessory structures, "HIGH VOLTAGE - DANGER" warnings signs shall be permanently attached to the fence or wall and shall be spaced no more than forty (40) feet apart.

(b) "NO TRESPASSING" warning signs shall be permanently attached to the fence or wall and shall be spaced no more than forty (40) feet apart.

(c) The letters for the "HIGH VOLTAGE - DANGER" and "NO TRESPASSING" warning signs shall be at least six (6) inches in height. The two warning signs may be combined into one sign. The warning signs shall be installed at least five (5) feet above the finished grade of the fence.

(7) Application to Locate Telecommunications Facility on Existing Tower.

(a) In order to locate a new telecommunications facility within the City, an applicant must first attempt to locate same on an existing tower.

(b) An application to locate or re-locate a telecommunications facility must be in writing and contain the following:

1. The information required in Section F(7) of this ordinance;

2. The inventory of existing sites required in Section D(6) of this ordinance;

3. Copies of the licenses or franchises required to be filed with the City pursuant to Section D(9);

4. A scaled site plan clearly indicating the location, type and height of the proposed telecommunications facility, on-site land uses and zoning, elevation drawings of the proposed telecommunications facility and tower or antenna support structure, topography, and any other information deemed by the City to be necessary to assess compliance with this ordinance;

5. A certification that the applicant will comply with all applicable federal, state or local laws including all the provisions of this ordinance; and

6. A certification that the site described in the application is located on an existing tower and the owner/operator agrees to the co-location of its facility.

(c) An application for permit to locate or re-locate a telecommunications facility that proposes to co-locate said facility on an existing tower and that satisfies the requirements set forth in Section E(7)(b) of this ordinance, shall receive expedited treatment in the review process.

(d) So as to further expedite the permitting process and to promote the efficient use of existing sites, the City encourages the users of towers and antenna support structures to submit a single application for approval of multiple users on a single existing site. Applications for approval at multiple user sites shall be given priority in the review process. The fee to be submitted with a multiple user application shall be the fee specified in Section F(8) multiplied by the number of users listed in such application.

(F) Antenna Support Structures.

(1) Any applicant who is unable to locate or co-locate its telecommunications facility on any of the available sites on existing towers may then apply for a waiver to locate or co-locate its facility on an existing antenna support structure. The petition for waiver must contain the following information:

(a) The information required pursuant to Section (E)(7)(b);

(b) The specific technical or geographic reasons why the available tower sites are unsuitable; and

(c) If the proposed site is within a designated stealth-requirement area, the applicant must submit the proposed design for camouflaging its telecommunications facility.

(2) A petitioner shall submit any additional information requested by the City for purposes of evaluating the waiver request.

(3) All telecommunications facilities to be located on a building or rooftop shall be subject to the following minimum standards:

(a) Telecommunications facilities shall only be permitted on buildings which are at least 50 feet tall.

(b) If an equipment building associated with the telecommunications facility is located on the roof of the building, the area of the equipment building shall not exceed ten feet in height, 500 square feet in area nor occupy more than twenty-five (25) percent of the roof area.

(4) Equipment or materials of any nature not used in direct support or operation of a telecommunications facility shall not be stored at the site of an antenna unless immediate repairs are being made.

(5) Antenna dimensions.

(a) Omni-Directional (whip) antennas and their supports must not exceed 15' in height and 3" in diameter and must be constructed of a material or color which matches the exterior of the building.

(b) Directional or Panel antennas and their supports must not exceed 8' in height or 2.5' in width and must be constructed of (a material or color which matches the exterior of the building or structure) materials and coloration which achieves maximum compatibility and minimum visibility.

(c) Satellite and microwave dish antennas located below sixty-five (65) feet above the ground may not exceed six (6) feet in diameter. Satellite and dish antennas located sixty-five (65) feet and higher above the ground may not exceed eight (8) feet in diameter.

(6) Antennas and related equipment buildings located on antenna support structures shall be located or screened to minimize the visual impact of the antenna upon adjacent properties. Any such screening shall be of a material and color which matches the exterior of the building or structure upon which it is situated. In land use areas where antennas and related equipment buildings are required to be stealth facilities, such antenna and related equipment building shall

have an exterior finish and/or design as approved by the Development Review Committee.

(7) Annual registration requirement.

(a) To enable the City to keep accurate, up-to-date records of the location of telecommunications facilities within City limits, on an annual basis, no later than October 1 of each year, the owner/operator shall submit documentation to the City's Development Services Department providing:

1. Certification in writing that the telecommunications facility conforms to the requirements of the South Florida Building Code and all other construction standards set forth by the City's Code, federal and state law by filing a sworn and certified statement by an engineer to that effect. The telecommunications facility owner/operator may be required by city to submit more frequent certification should there be reason to believe that the structural and electrical integrity of the telecommunications facility is jeopardized. The City reserves the right upon reasonable notice to the owner/operator of the telecommunications facility to conduct inspections for the purpose of determining whether the telecommunications facility complies with the South Florida Building Code and all other construction standards provided by local, state or federal laws.

2. The name, address and telephone number of any new owner, if there has been a change of ownership of the telecommunications facility.

3. The type and use of the antenna of the telecommunications facility.

(8) Annual payment of a registration fee for each telecommunications facility located with the City of \$300.00 shall be required and shall be submitted to the City's Development Services Department at the time of submission of the documentation as required in Section E (7)(b), F(1) and F(7) above.

(G) Construction of New Towers.

(1) Construction of new telecommunication towers within the City may be utilized only as a final option, after all other options have been exhausted. Authorization for construction of a new tower may be given only when the applicant has proven to the City that the construction of the new tower is required because of technological reasons and is essential for the applicant to provide its telecommunications service.

(2) To be eligible to construct a new tower within the City limits, an applicant must first demonstrate to the reasonable satisfaction of the City that no suitable existing tower or antenna support structure site is available and no reasonable alternative technology exists that can accommodate the applicant's telecommunications facility on an existing site.

(3) The applicant must submit any and all technical information requested by the City or its designated engineering consultant as part of the review and evaluation process for construction of a new tower.

(4) An application to develop a tower must be in writing and contain the following information:

(a) The information required in Section E(4) of this ordinance, except that the initial fee submitted shall be the fee established for an application for site plan approval as specified in Chapter 157 along with \$1,500.00 to cover the costs of review of the application by the City's engineering consultant. Funds not utilized by said consultant shall be refunded to the applicant within thirty (30) days after completion of review of the application.

(b) The inventory of existing sites required in Section D(6) of this ordinance;

(c) Copies of the licenses or franchises required to be filed with the City pursuant to Section D(9);

(d) A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, elevation drawings of the proposed tower, topography, and any other information deemed by the City to be necessary to assess compliance with this ordinance;

(e) A certification that the applicant will comply with all applicable federal, state or local laws including all the provisions of this ordinance; and

(f) The names, addresses and telephone numbers of all owners of other towers or antenna support structures within a radius equal to the minimum distance between towers as required by this ordinance of the proposed new tower site, including city-owned property.

(g) Written documentation in the form of an affidavit that the applicant made diligent, but unsuccessful efforts for permission to install or collocate the applicant's telecommunications facilities on all city-owned towers or antenna support structures located within a radius equal to the minimum distance between towers as required by this ordinance of the proposed tower site.

(h) Written, technical evidence from an engineer that the proposed tower or telecommunications facilities cannot be installed or collocated on another tower or antenna support structure located within a radius equal to the minimum distance between towers as required by this ordinance of the proposed tower site and must be located at the proposed site in order to meet the coverage requirements of the applicant's wireless communications system.

(i) Each application to allow construction of a tower shall include a written statement from an engineer that the construction and placement of the tower shall produce minimal signal interference with public safety communications and the usual and customary transmission or reception of radio, television, or other communications services enjoyed by adjacent residential and non-residential properties.

(5) Conditions of approval for telecommunications towers.

(a) Setbacks.

1. All towers up to one hundred (100) feet in height shall be set back on all sides a distance equal to the underlying setback requirement in the applicable zoning district; towers in excess of one hundred (100) feet in height shall be set back one additional foot per each foot of tower height in excess of one hundred (100) feet.

2. Setback requirements for towers shall be measured from the base of the tower to the property line of the parcel of land on which it is located.

(b) Structural requirements. All tower designs must be certified by an engineer licensed to practice in the State of Florida to be structurally sound and, at minimum, in conformance with the city's Building Code, the South Florida Building Code, and any other standards outlined in this Article.

(c) Height. The height of a telecommunications tower shall not exceed 130 feet. Measurement of tower height for the purpose of determining compliance with all requirements of this article shall include the tower structure itself, the base pad and any other telecommunications facilities attached thereto. Tower height shall be measured from grade as defined in this chapter.

(d) Separation requirements.

1. Non-stealth towers shall be separated from all residentially-zoned lands by a minimum of two hundred (200) feet or 200% of the height of the proposed tower, whichever is greater. The minimum tower

separation distance shall be calculated and applied irrespective of city and county jurisdictional boundaries.

2. Measurement of tower separation distances for the purpose of compliance with this article shall be measured from the base of a tower to the closest point of a designated area.

3. Proposed towers must meet the following minimum separation requirements from existing towers or towers previously approved but not yet constructed at the time a development permit is granted pursuant to this article:

MINIMUM TOWER SEPARATION DISTANCE

<u>Height of Existing Tower</u>	<u>Height of Proposed Tower</u>	<u>Minimum Separation</u>
<u>Less than 50'</u>	<u>Less than 50'</u>	<u>300'</u>
<u>Less than 50'</u>	<u>50'-100'</u>	<u>500'</u>
<u>Less than 50'</u>	<u>101'-130'</u>	<u>650'</u>
<u>50'-100'</u>	<u>Less than 50'</u>	<u>500'</u>
<u>50'-100'</u>	<u>50'-100'</u>	<u>750'</u>
<u>50'-100'</u>	<u>101'-130'</u>	<u>866'</u>
<u>101'-150'</u>	<u>Less than 50'</u>	<u>750'</u>
<u>101'-150'</u>	<u>50'-100'</u>	<u>1000'</u>
<u>101'-150'</u>	<u>101'-130'</u>	<u>1300'</u>

For the purpose of this subsection, the separation distances shall be measured by drawing or following a straight line between the base of the existing or approved structure and the proposed base, pursuant to a site plan of the proposed tower. The minimum tower separation distance shall not apply to new monopole towers in the Public Utilities (PU) District, nor to stealth towers in any allowable district.

(e) Co-location. All new towers shall be constructed with excess capacity for co-location as indicated in G(5)(1). Any owner of a telecommunications tower shall permit other telecommunications providers to install or co-locate antennae or facilities on such towers; said co-location shall be subject to mutually agreeable terms and conditions negotiated between the parties.

(f) Illumination. Towers shall not be artificially lighted except as required by the Federal Aviation Administration (FAA).

(g) Fencing. An eight (8) foot fence or wall constructed in accordance with Zoning Code, as measured from the finished grade of the site, shall be required around the base of any tower other than stealth and may be permitted around any accessory buildings or structures.

(h) Landscaping. All landscaping on a parcel of land containing towers, antenna support structures or telecommunications facilities shall be in accordance with the applicable landscaping requirements in the zoning district where the tower, antenna support structure or telecommunications facilities are located. A solid hedge shall be installed along the outside of the fence or wall.

(i) Access. A parcel of land upon which a tower is located shall provide one (1) paved vehicular parking space on site, unless same interferes with other use or enjoyment of the parcel of land or surrounding property as determined by the City.

(j) Tower design and type.

1. All towers shall be of the monopole type in Industrial Districts.

2. Stealth design shall be required in all Community Facility and Planned Industrial Districts.

3. Lattice towers shall be permitted in the Utility District, in addition to monopole towers.

(k) Towers shall be prohibited on any property whose principal use includes the storage, distribution, or sale of volatile, flammable, explosive, or hazardous materials such as LP gas, propane, gasoline, natural gas, and corrosive or dangerous chemicals, when in the opinion of the Fire Marshal, the location of towers on any said property creates, intensifies or contributes to, a hazardous condition.

(l) The development of a tower upon any parcel of land within the city shall be subject to the following additional restrictions:

1. All new monopole towers shall be designed and built to accommodate at least two telecommunications providers.

2. All new lattice towers shall be designed and built to accommodate at least three telecommunications providers.

(m) Aircraft hazard. Prior to the issuance of a building permit by the building department the applicant shall provide evidence that the

telecommunication towers or facilities are in compliance with Federal Aviation Administration (FAA) regulations.

(n) Approval required from other governmental agencies. Each application for a telecommunication tower may be required to include written approval or a statement of no objection from other federal or state agencies that may regulate telecommunication tower siting, design and construction.

**SECTION 2.** The remaining periods of any and all previously enacted suspensions of review of site plans and issuance of building permits for telecommunications towers, antennae or similar structures and installation of telecommunication lines, equipment or hardware, shall terminate upon the passage of this ordinance.

**SECTION 3.** If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

**SECTION 4.** This Ordinance shall become effective upon passage.

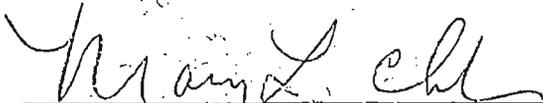
PASSED FIRST READING this 8th day of July, 1997.

PASSED SECOND READING this 22nd day of July, 1997.



WILLIAM F. GRIFFIN, MAYOR

ATTEST



MARY L. CHAMBERS, CITY CLERK

MEB/jrm  
7/14/97  
lord/ch155/97-321