

Ordinance 2018-03

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA, RELATING TO COMMUNICATION FACILITIES; CREATING CHAPTER 132 OF THE CITY OF ST. PETE BEACH CODE OF ORDINANCES ENTITLED “COMMUNICATION FACILITIES IN THE PUBLIC RIGHT-OF-WAY” SECTIONS 132-1 THROUGH 132-7, INCLUDING “PURPOSE,” “DEFINITIONS,” “REGISTRATION,” “PERMITS FOR ANTENNAS OR TOWERS IN CITY RIGHTS OF WAY,” “PERMITTING REQUIREMENTS FOR SMALL WIRELESS FACILITIES,” “PERMITTING REQUIREMENTS FOR NEW COMMUNICATIONS FACILITIES, WIRELESS FACILITIES AND WIRELESS SUPPORT STRUCTURES,” AND “ACCESSORY EQUIPMENT;” PROVIDING FOR CONFLICTS, SEVERABILITY, CONSTRUCTION, PUBLICATION AND EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 166 of the Florida Constitution, the City of St. Pete Beach is authorized and required to protect the public health, safety, and welfare of its citizens and has the power and authority to enact regulations for valid governmental purposes that are not inconsistent with general and special law; and

WHEREAS, the City provides municipal services to its citizens, including the regulation and licensing of businesses and the issuance of permits; and

WHEREAS, in 2017, HB 687 created the “Advanced Wireless Infrastructure Deployment Act,” (the “Act”) which prevents local and county governmental entities from prohibiting, regulating, or charging for the collocation of small wireless facilities in public right-of-way or the installation, placement, maintenance, or replacement of certain micro wireless facilities; and

WHEREAS, the Act establishes Section 337.401 *et seq*, Florida Statutes, which addresses, *inter alia*, the authority of municipalities to regulate the placement and maintenance of communications facilities in the public rights-of-way; and

WHEREAS, the Act preserves the authority of local governments to regulate the siting, location, aesthetics, and other matters with respect to Communication Facilities that are necessary to the management of the public rights-of-way; and

WHEREAS, the City Commission desires to establish uniform standards and guidelines, consistent with the Act, for the siting, design, aesthetics and permitting of communication towers, communication antennas, and wireless communication facilities in the City and to establish review procedures to ensure that applications for same are acted upon consistent with state and federal law.

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF ST. PETE

BEACH FLORIDA, HEREBY ORDAINS:

SECTION 1. Recitals. The above recitals are hereby adopted as legislative findings, purpose and intent of the City Commission.

SECTION 2. This Ordinance creating Chapter 132, of the Code of Ordinances of St. Pete Beach, Florida, by creating Chapter 132 relating to and entitled “Communications Facilities in the Public Rights-of-Way.”

SECTION 3. The City Commission hereby approves and adopts Chapter 132, “Communications Facilities in the Public Rights-of-Way,” of the City of St. Pete Beach Code of Ordinances, by and through the amendments attached hereto as Exhibit “A.”

SECTION 4. Conflicts. In instances where ordinances or parts of ordinances conflict herewith, this ordinance shall control.

SECTION 5. Severability. The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

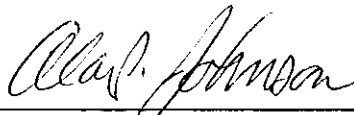
SECTION 6. Construction. This Ordinance is to be liberally construed to accomplish its objectives.

SECTION 7. Publication. This Ordinance shall be published in accordance with the requirements of law.

SECTION 8. Effective Date. This Ordinance shall take effect immediately upon adoption.

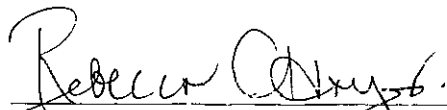
First Reading: 05/22/2018
Published: 06/15/2018
Final Reading: 06/27/2018
Public Hearing: 06/27/2018

CITY COMMISSION, CITY OF ST. PETE
BEACH, FLORIDA.




Alan Johnson, Mayor

I, Rebecca C. Haynes, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this 27th day of June, 2018.



Rebecca C. Haynes, City Clerk

APPROVED AS TO LEGAL FORM AND CORRECTNESS:



Andrew Dickman, City Attorney

Exhibit “A”

Chapter 132 – COMMUNICATION FACILITIES IN THE PUBLIC RIGHTS-OF-WAY

Sec. 132-1. - Purpose.

The purpose of this chapter is to adopt specific regulations relating to the use of rights-of-way for the erection of Telecommunication Antennae or Towers and any accessory equipment supporting the same within the City right-of-way. The Applicant shall obtain a Permit pursuant to of this Chapter prior to commencing any construction and shall thereafter comply with all applicable terms therein.

In furtherance of these objectives, City of St. Pete Beach shall give due consideration to the comprehensive plan, land development regulations, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

Sec. 132-2. - Definitions.

For purposes of this Chapter, the following words and phrases shall have the meanings respectively set forth below:

Abandonment means the permanent cessation of all uses of a Utility facility; provided that this term shall not include cessation of all use of a Utility facility within a physical structure where the physical structure continues to be used. By way of examples, and not limitation, cessation of all use of a cable within a conduit, where the conduit, continues to be used shall not be considered abandonment.

Antenna means any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

Applicant shall mean any person requesting permission to place or maintain facilities in a Right-of-way, or who has previously done so.

Application shall mean a request submitted by an application to the City for a permit.

Authority shall mean the City of St. Pete Beach, Florida.

Authority Utility Pole shall mean a utility pole owned by the Authority in the City Rights-of-Way. The term does not include a Utility Pole owned by a municipal electric utility, a Utility Pole used to support municipally owned or operated electric distribution facilities, or a Utility Pole located in the City Rights-of-Way within:

(a) a retirement community that:

1. is deed restricted as housing for older persons as defined in section 760.29(4)(b), Florida Statutes;

2. has more than 5,000 residents; and
3. has underground utilities for electric transmission or distribution.

Collocate or Collocation means to install, mount, maintain, modify, operate, or replace one or more wireless facilities on, under, within, or adjacent to a wireless support structure or utility pole. This term does not include the installation of a new utility pole or wireless support structure in the public right-of-way.

Communication Services shall have the meaning found in Florida Statutes, Section 202.11, as may be amended.

Emergency means a condition that poses a threat to life, health, or property, or may create an out-of-service condition.

Emergency Action means any action in the public right-of-way, including repair, replacement, or maintenance of any existing equipment of facility, which is necessary to alleviate an emergency.

Equipment or Facility means any a line, conduit or duct, utility pole, transmission or distribution equipment (e.g., an amplifier, power equipment, optical or electronic equipment, a transmission station, switching or routing equipment), cabinet or pedestal, handhole, manhole, vault, drain, location marker, appurtenance, or other equipment or facility associated with communications services located in the City Rights-of-Way.

FCC means the Federal Communications Commission.

Permit means the Right-of-Way utilization permit which must be obtained before a Person may place or maintain any facility in a City Right-of-way.

Permittee means any Person to whom a Permit to Place or Maintain a facility in a City Right-of-way has been granted by the City.

Person means any natural person or any association, company, firm, partnership, joint venture, corporation, governmental entity, or other legal entity.

Place or Maintain, Placement and Maintenance, or Placing or Maintaining shall mean to erect, construct, install, maintain, place, repair, extend, expand, remove, occupy, locate or relocate. A Person that owns or exercises physical control over Facilities located in the public Right-of-way, such as physical control to maintain and repair, is "Placing or Maintaining" the Facilities. A Person providing service only through resale or the use of a third party's unbundled network elements is not "Placing or Maintaining" the Facilities through which such service is provided. The transmission and receipt of radio frequency signals through the airspace of the public Right-of-way does not constitute "Placing or Maintaining" Facilities within the public Rights-of-way.

Right-of-way means the surface and space above and below any real property in which the City has an interest in law or equity, open to travel by the public, including streets, easements and sidewalks, but excluding parks. Right-of-way means the public Right-of-way, not private Right-of-way.

Telecommunications means the transmission, between or among points specified by the user, or information of the user's choosing, without change in the form or content of the information as sent and received.

Telecommunication Antenna or Antenna, a mounted device used for the transmission of telecommunication services of Communications services, including but not limited to traditional small cell technology.

Telecommunication Tower or Tower means a self-supporting lattice, guyed or Monopole structure constructed from grade which supports telecommunications or Communication Service Facilities. The term Tower shall not include amateur radio operator's equipment, as licensed by the Federal Communications Commission.

Small Wireless Facility means a wireless facility that meets the following qualifications:

- a. Each antenna associated with the facility is located inside an enclosure of no more than 6 cubic feet in volume or, in the case of antennas that have exposed elements, each antenna and all of its exposed elements could fit within an enclosure of no more than 6 cubic feet in volume; and
- b. All other wireless equipment associated with the facility is cumulatively no more than 28 cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, ground-based enclosures, grounding equipment, power transfer switches, cutoff switches, vertical cable runs for the connection of power and other services, and utility poles or other support structures.

Utilities means, any water, sewer, gas, drainage, monitor well, sprinkler or culvert pipe and any electric power, telecommunication, signal, communication, or cable television conduit, fiber, wire, cable, or operator thereof, including Utilities operated by the City.

Utility Pole shall mean a pole or similar structure that is used in whole or in part to provide Communications Services or for electric distribution, lighting, traffic control, signage, or a similar function. The term includes the vertical support structure for traffic lights but does not include a horizontal structure to which signal lights or other traffic control devices are attached and does not include a pole or similar structure fifteen (15) feet in height or less unless an Authority grants a waiver for such pole.

Wireless Facility means equipment at a fixed location which enables wireless communications between user equipment and a communications network, including radio transceivers, antennas, wires, coaxial or fiber-optic cable or other cables, regular and backup power supplies, and

comparable equipment, regardless of technological configuration, and equipment associated with wireless communications. The term includes small wireless facilities. The term does not include:

- a. The structure or improvements on, under, within, or adjacent to the structure on which the equipment is collocated;
- b. Wireline backhaul facilities; or
- c. Coaxial or fiber-optic cable that is between wireless structures or utility poles or that is otherwise not immediately adjacent to or directly associated with a particular antenna.

Wireless Infrastructure Provider shall mean a person who has been certified to provide telecommunications service in the state and who builds or installs wireless communication transmission equipment, Wireless Facilities, or Wireless Support Structures but is not a Wireless Services Provider.

Wireless Services shall mean any Communications Services provided using licensed or unlicensed spectrum, whether at a fixed location or mobile, using Wireless Facilities.

Wireless Services Provider shall mean a person who provides Wireless Services.

Wireless Support Structure shall mean a freestanding structure, such as a monopole, a guyed or self-supporting tower, or another existing or proposed structure designed to support or capable of supporting Wireless Facilities. The term does not include a Utility Pole.

Sec. 132-3. – Registration.

(1) Registration Required. Any Communications Services Provider, Wireless Provider, or Wireless Infrastructure Provider that places or seeks to place Facilities in the City Rights-of-Way shall register with the City.

(2) Registration Information. Any Communications Services Provider, Wireless Provider, or Wireless Infrastructure Provider shall provide the following information to the City in a format acceptable to the City:

- (a) name of the registrant;
- (b) name, address, telephone number, and electronic mail address of a contact person for the registrant;
- (c) the number of the registrant's current certificate of authorization issued by the Florida Public Service Commission, the Federal Communications Commission, or the Department of State; and
- (d) proof of insurance or self-insuring status adequate to defend and cover claims.

Sec. 132-4. – Permit for Antenna or Tower in City Rights-of-Way.

The City will review the application presented by the Applicant and determine whether the proposed Antenna or Tower will adversely interfere with public safety and usage, including but not limited to: future road improvements, traffic safety setback areas, residential safety setback areas, regional transportation plans, specific projects named in the comprehensive land use plan, drainage projects, utility projects, sidewalks, bike paths/lanes, future signalization, airport operation and/or planned and current pedestrian/bike trails. The City will also determine if the proposed communications tower or antenna complies with this Article. If a public project included in a capital improvement plan approved by a governmental entity or otherwise anticipated by the City would be negatively impacted, or if the characteristics of the proposed tower does not comply with this Article, the City shall deny the application stating the reasons in writing. In addition to the provisions of Chapter 131 of the City's Code of Ordinances titled "Wireless Communication Towers and Antennas," with this section controlling in case of conflict, the application must include the following or it will be denied as incomplete:

- (1) Applicant's legal name, company mailing address, email address and phone number, contact Person's name and telephone number, the number of the Applicant's current certificate of authorization issued by the Florida Public Service Commission, the Federal Communications Commission (FCC) and/or the Department of State;
- (2) Exact location of the proposed installation(s);
- (3) Type/model of Antenna(e) or Tower(s) to be erected;
- (4) Method of installation (include direction of guy wires if utilized);
- (5) Proposed start time and completion time for installation;
- (6) Means of repairing Right-of-way damage during installation;
- (7) Subject to the requirements of paragraph 13, scaled sketches and plans that depict the exact nature of installation including, but not limited to:
 - (a) Right-of-way width and road pavement width;
 - (b) Location of all other Utilities in Right-of-way, including signals;
 - (c) Any sidewalks in or near Right-of-way;
 - (d) Cross sections to reflect location of Tower or Antenna;
 - (e) Include an aerial map showing the location of the Tower and any lines; and

- (f) Show area of work in relation to nearest road intersection, bridge or other physical feature.
- (8) Applications shall include a non-expiring \$25,000 bond for each new Tower. In lieu of individual bonds for each Tower, the City may approve a higher cost, one-time, non-expiring bond per application in an amount commensurate with the work proposed in the application.
- (9) Proof of insurance adequate to defend and cover claims, based upon the installation for which the Permit is sought, and with the City listed as an additional insured;
- (10) Distance from top of Tower(s) to collapsible point(s), if any, and fall radius depicted on aerial photograph or survey;
- (11) Feasibility statement discussing use of camouflage techniques, if possible, and possibility of Placing equipment within or against Tower(s);
- (12) Demarcation of adjacent zoning designations and description of how the proposed Tower(s) conforms to adjacent zoning restrictions;
- (13) Items 1-7 and 10 listed above must be signed and sealed by a professional structural engineer certified in the State of Florida (unless permittee is using exempt employees pursuant to F.S. §471.003(2)(b)2(d), as may be amended) and, where the Antenna(e) is not being co-located on a currently permitted pole, or on the replacement of a currently permitted pole, must include accurate depiction of topographic improvements and the relationship to the actual Right-of-way line.

Sec. 132-5. – Permitting Requirements for Small Wireless Facilities.

For a Small Wireless Facility, a permit is required for (i) each Antenna associated with the facility located inside an enclosure of no more than six (6) cubic feet in volume or, in the case of Antennas that have exposed elements, each Antenna and all of its exposed elements could fit within an enclosure of no more than six (6) cubic feet in volume; or (ii) all other wireless equipment associated with the facility, cumulatively no more than twenty-eight (28) cubic feet in volume.

(1) Alternate Location Review. Upon receipt of a permit application to install a Small Wireless Facility, the City shall have 14 days to review the application to determine whether the proposed Small Wireless Facility shall be placed on an alternative structure or may place a new Utility Pole. In making such a determination, the City shall consider the following objective design standards and reasonable spacing requirements for ground-based equipment:

(a) All Small Wireless Facilities shall use camouflage techniques which incorporate architectural treatment to conceal or screen their presence from public view through design to unobtrusively blend in aesthetically with the surrounding environment.

(b) New and replacement Wireless Support Structures and Utility Poles that support Small Wireless Facilities shall match the style, design, and color of the existing Utility

Poles in the surrounding area. Further, all Wireless Support Structures and Utility Poles shall meet current safety standards in Applicable Codes.

(c) Ground-based equipment boxes for Small Wireless Facilities must be located in areas with existing foliage or another aesthetic feature to obscure the view of the equipment box. Additional plantings may be required to meet this condition. Any new landscaping in the City Rights-of-Way must be approved by the City, which may require a Landscape Maintenance Agreement to be executed prior to approval.

(d) With the exception of electric meters and disconnect switches, equipment such as back-haul components shall not be mounted on the exterior of the pole.

(e) No exposed wiring or conduit is permitted.

(f) The grounding rod may not extend above the top of sidewalk and must be placed in a pull box, and the ground wire between the pole and ground rod must be inside an underground conduit.

(g) All pull boxes must be vehicle load bearing, comply with FDOT Standard specification 635 and be listed on the FDOT Approved Products List. A concrete apron must be installed around all pull boxes not located in the sidewalk. No new pull boxes may be located in pedestrian ramps.

(2) Alternate Location Negotiation. The City may negotiate any alternate location with the Applicant. If an agreement is not reached within thirty (30) days after the date the City requests an alternate location, the Applicant must notify the City of such non-agreement and the City must grant or deny the original application within ninety (90) days after the date the application was filed. A request for an alternate location, and acceptance of an alternate location, or a rejection of an alternate location must be in writing and provided by electronic mail. Additionally, the design standards may be waived by the City upon a showing by the Applicant that the design standards are not reasonably compatible for the particular location of a Small Wireless Facility or that the design standards impose an excessive expense. The waiver shall be granted or denied within forty-five (45) days after the date of the request.

(3) Height Limitations for Small Wireless Facilities. The height of Small Wireless Facilities shall not exceed ten (10) feet above the Authority Utility Pole, Utility Pole, or Wireless Support Structure on which the Small Wireless Facility is to be Collocated.

(4) Height of Utility Poles. The height of a new Utility Pole is limited to the tallest existing Utility Pole as of July 1, 2017, located in the same right-of-way, other than a Utility Pole for which a waiver has previously been granted, measured from grade in place within 500 feet of the proposed location of the Small Wireless Facility. If there is no Utility Pole within 500 feet, the height of the new Utility Pole shall be limited to fifty (50) feet.

(5) Time for Completing Completeness Review of Applications. For applications in which the City does not request use of an alternate location, the City must make a determination as to whether an application is complete within fourteen (14) days. If an application is deemed incomplete, the City must specifically identify the missing information. An application is deemed complete if the City fails to provide notification to the Applicant within fourteen (14) days.

(6) Applications Processed on a Nondiscriminatory Basis. The City shall process applications on a nondiscriminatory basis. Thus, applications shall be processed on a first-come, first-served basis.

(7) Time for Completing Approval or Denial. The City shall grant or deny an application within sixty days after receipt of the application. If the City fails to take action on a complete application within 60 days, the application shall be deemed approved. If the City elects not to negotiate an alternate location, the Applicant and City may mutually agree to extend the review period. The City shall grant or deny the application at the end of the extended period. The City must approve a complete application unless it violates the City's Land Development Code or Code of Ordinances.

(8) Effective Life of Approved Permit Application. A permit issued pursuant to an approved application shall remain effective for one year unless extended by the City for an additional year. The City may only grant a single extension.

(9) Notification of Approval or Denial. The City shall notify an Applicant of any approval or denial by electronic mail on the same day a decision is made. If the City denies an application, the denial must state in writing the basis for the denial, including the specific code provisions on which the denial was based. In the event of a denial, the Applicant may cure the deficiencies identified by the City and resubmit the application within 30 days after notice of the denial. The City shall approve or deny the revised application within 30 days after receipt or the application is deemed approved. Any subsequent review shall be limited to the deficiencies cited in the denial.

(10) Consolidated Applications. An Applicant who seeks to Collocate Small Wireless Facilities may, at the Applicant's discretion, file a consolidated application and receive a single permit for the Collocation of up to thirty (30) Small Wireless Facilities. If the application includes multiple Small Wireless Facilities, the City may separately address Small Wireless Facility Collocations for which incomplete information has been received or which are denied. Small wireless facilities or micro wireless facilities shall not be collocated on an authority utility pole or erect wireless support structure in a location subject to covenants, conditions, restrictions, articles of incorporation, and bylaws of a homeowners' association.

(11) Permitting Criteria. The City may deny a proposed Collocation of a Small Wireless Facility in the City Rights-of-Way if the proposed Collocation:

- (a) materially interferes with the safe operation of traffic control equipment;

- (b) materially interferes with sight lines or clear zones for transportation, pedestrians, or public safety purposes;
- (c) materially interferes with compliance with the Americans with Disabilities Act or similar federal or state standards regarding pedestrian access or movement;
- (d) materially fails to comply with the 2010 edition of the Florida Department of Transportation Utility Accommodation Manual; and
- (e) materially fails to comply with any Applicable Codes.

(12) Collocation on Authority Utility Poles. Collocation of Small Wireless Facilities on Authority Utility Poles shall meet the following requirements:

- (a) The Authority may not enter into an exclusive arrangement with any person for the right to attach equipment to Authority Utility Poles.
- (b) The rates and fees for Collocations on Authority Utility Poles must be nondiscriminatory, regardless of services provided by the Collocating person.
- (c) The rate to Collocate a Small Wireless Facility on an Authority Utility Pole shall be per pole annually as listed in Schedule "A" of the City's Code of Ordinances.
- (d) Agreements between the Authority and Wireless Providers that are in effect on July 1, 2017, and that relate to the Collocation of Small Wireless Facilities in the City Rights-of-Way, including the Collocation of Small Wireless Facilities on Authority Utility Poles, remain in effect, subject to application of termination provisions. The Wireless Provider may accept the rates, fees, and terms established under this subsection for Small Wireless Facilities and Utility Poles that are the subject of an application submitted after the rates, fees, and terms become effective.
- (e) A person owning or controlling an Authority Utility Pole shall offer rates, fees, and other terms that comply with this subsection. By the later of January 1, 2018, or 3 months after receiving a request to Collocate its first Small Wireless Facility on a Utility Pole owned or controlled by the Authority, the person owning or controlling the Authority Utility Pole shall make available the rates, fees, and terms for the Collocation of Small Wireless Facilities on the Authority Utility Pole which comply with this subsection.
 1. The rates, fees, and terms must be nondiscriminatory and competitively neutral and must comply with this subsection.
 2. For an Authority Utility Pole that supports an aerial facility used to provide Communications Services or electric service, the parties shall comply with the process for make-ready work under 47 U.S.C. s. 224 and implementing

regulations. The good faith estimates of the person owning or controlling the pole for any make-ready work necessary to enable the pole to support the requested Collocation must include pole replacement if necessary.

3. For an Authority Utility Pole that does not support an aerial facility used to provide Communications Services or electric service, the Authority shall provide a good faith estimate for any make-ready work necessary to enable the pole to support the requested Collocation, including necessary pole replacement, within 60 days after written acceptance of the good faith estimate by the Applicant. Alternatively, the Authority may require the Applicant seeking to Collocate a Small Wireless Facility to provide a make-ready estimate at the Applicant's expense for the work necessary to support the Small Wireless Facility, including pole replacement, and perform the make-ready work. If pole replacement is required, the scope of the make-ready estimate is limited to the design, fabrication, and installation of a Utility Pole that is substantially similar in color and composition. The Authority may not condition or restrict the manner in which the Applicant obtains, develops, or provides the estimate or conducts the make-ready work subject to usual construction restoration standards for work in the City Rights-of-Way. The replaced or altered Utility Pole shall remain the property of the Authority.

4. An Authority may not require more make-ready work than is required to meet applicable code or industry standards. Fees for make-ready work may not include costs related to preexisting damage or prior noncompliance. Fees for make-ready work, including any pole replacement, may not exceed actual costs or the amount charged to Communications Services Providers other than Wireless Services Providers for similar work and may not include any consultant fee or expense.

Sec. 132-6. – Permitting Requirements for New Communications Facilities, Wireless Facilities, and Wireless Support Structures.

(1) Permits Required. In addition to a right-of-way utilization permit, New Communications Facilities, Wireless Facilities, and Wireless Support Structures in City Rights-of-Way shall meet the following permitting requirements, as determined by the City using best professional judgment, which may include consultation with the City Engineer or other appropriate City staff:

(a) All New Communications Facilities, Wireless Facilities, and Wireless Support Structures shall be located to avoid any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians, bicyclists, or motorists.

(b) New Communications Facilities, Wireless Facilities, and Wireless Support Structures shall avoid being placed in a City Rights-of-Way of a residential zone district, as defined in the land development codes of the City, to the greatest extent possible. An Applicant shall demonstrate through an engineering analysis why it is unable to locate new

Communications Facilities, Wireless Facilities, and Wireless Support Structures outside a residential zone district.

(c) New Communication Facilities, Wireless Facilities, and Wireless Support Structures shall be located on non-local roadways to the greatest extent possible. An Applicant shall demonstrate through an engineering analysis why it is unable to locate the proposed Communication Facilities, Wireless Facilities, and Wireless Support Structures in such areas instead of on local roadways and alleyways.

(d) New Communication Facilities, Wireless Facilities, and Wireless Support Structures shall maintain a clear zone from the back-of-curb to the inward edge of a Communication Facility, Wireless Facility, or Wireless Support Structure. Unless otherwise determined by the City, a minimum six (6) foot wide pedestrian clear zone between the back-of-curb and the outward edge of a Communications Facility, Wireless Facility, or Wireless Support Structure.

(e) New Communication Facilities, Wireless Facilities, and Wireless Support Structures shall be located at least ten (10) feet from a driveway and at least thirty (30) feet from the center of existing trees with matured diameter of eight (8) inches or greater.

(f) The size and height of new Communication Facilities, Wireless Facilities, and Wireless Support Structures in the City Rights-of-Way shall be no greater than the maximum size and height of any other Utility Pole, Communications Facility, Wireless Facility or Wireless Support Structure located in the City Rights-of-Way within 250 feet of the proposed structure.

(g) New Communication Facilities, Wireless Facilities, and Wireless Support Structures shall be placed along Common Side-Lot Lines and not in front of residences, buildings, or places of business.

(h) Any new proposal to construct a new Communication Facility, Wireless Facility, or Wireless Support Structure must be Collocated. The City may waive this requirement only if the applicant can demonstrate to the City why the services cannot be Collocated on an existing Communication Facility, Wireless Facility, Wireless Support Structure, or Utility Pole in the City Rights-of-Way.

(2) Design Requirements. New Communications Facilities, Wireless Facilities, and Wireless Support Structures shall meet the following design requirements:

(a) All Communication Facilities shall use camouflage techniques which incorporate architectural treatment to conceal or screen their presence from public view through design to unobtrusively blend in aesthetically with the surrounding environment.

(b) New and replacement poles that support Communication Facilities shall match the style, design, and color of the existing poles in the surrounding area. Further, all poles shall meet current safety standards such as using breakaway connections and the like.

(c) Ground-based equipment boxes must be located in areas with existing foliage or another aesthetic feature to obscure the view of the equipment box. Additional plantings may be required to meet this condition. Any new landscaping in the City Rights-of-Way must be approved by the City, which may require a Landscape Maintenance Agreement to be executed prior to approval.

(d) With the exception of electric meters and disconnect switches, equipment such as back-haul components shall not be mounted on the exterior of the pole.

(e) No exposed wiring or conduit is permitted.

(f) The grounding rod may not extend above the top of sidewalk and must be placed in a pull box, and the ground wire between the pole and ground rod must be inside an underground conduit.

(g) All pull boxes must be vehicle load bearing, comply with FDOT Standard specification 635 and be listed on the FDOT Approved Products List. A concrete apron must be installed around all pull boxes not located in the sidewalk. No new pull boxes may be located in pedestrian ramps.

(3) Written Application Requirements. No permit shall be issued unless an Applicant submits a written application to the City in accordance with this Chapter. An application for a permit shall be filed in the form and manner specified by the City (e.g., the City may require that any or all parts of such requests be filed in an electronic form of the City's choosing and contain such information as may be required by the City, including, at a minimum, the information contained in this section. The City may require the Applicant to provide such additional information as the City deems necessary to complete its review of a requested permit. At a minimum, the Applicant shall submit the following information in its permit application:

(a) The name and address of the Applicant who is requesting the permit and written evidence that such Applicant has legal authority to place, maintain, or remove the Equipment or Facilities covered by the requested permit in the City Rights-of-Way and will own and control all such Equipment and Facilities after completion of construction;

(b) A description of the functions, dimensions, and proposed locations of all Equipment and Facilities covered by the requested permit;

(c) The specific location, depth, dimensions, and length of each proposed new or replacement duct, conduit, or other underground facility and the specific location, depth, dimensions, and height of any utility pole covered by the requested permit;

- (d) A description of the manner in which the work covered by the requested permit is to be undertaken (i.e., proposed construction methods and techniques) and a proposed date for commencement of work and an estimate of the time required to complete all such work;
 - (e) A City-approved traffic control plan for vehicular and pedestrian traffic in the area to be affected by the proposed work;
 - (f) Proof of insurance;
 - (g) Identification and description of any utility or other distribution or transmission system to which any Equipment or Facility covered by the requested permit is to be connected or attached;
 - (h) Drawings (in such detail and form as may be specified by the City) which show: (i) City Rights-of-Way in the area of the proposed construction; (ii) locations of all existing Equipment and Facilities in the area of proposed construction; (iii) all Equipment and Facilities to be installed or removed; and (iv) the routes of all transmission and distribution lines to be installed or removed; and (v) the sites of all other Equipment and Facilities to be installed or removed in the City Rights-of-Way; and
 - (i) Construction and/or engineering drawings signed and sealed by a structural engineer (in sufficient detail and form as may be specified by the City to demonstrate structural stability of the Communications Facilities) which show the locations of all new Equipment and Facilities in the City which the applicant plans to place in the City Rights-of-Way in the next 12 months or such other time period as may be specified by the City.
 - (j) Photographic or video documentation of the condition of the City Rights-of-Way in the area to be affected by the proposed work preconstruction.
- (4) Fees. To the extent allowed by state law, the City is authorized to set reasonable fees and charges for the implementation of this Chapter. Such fees shall be set by resolution and incorporated in Schedule "A" of the City's Code of Ordinances. Fees charged will completely finance the expenditures of administering this Chapter. No permit shall be granted until such time as all applicable fees are paid to the City.

Sec. 132-7. – Accessory Equipment.

Accessory Equipment: All equipment attached to or connected with a Co-located Antenna or Tower must comply with the following standards:

- (1) Equipment boxes located at grade must be located in areas with existing foliage or another aesthetic feature to obscure it from the view, to the greatest extent possible, use camouflaging techniques to blend in with the surrounding area. The application must include a depiction of such camouflaging for approval by the City.

- (2) Equipment boxes at the base of the Tower must not exceed 25 cubic feet of volume;
- (3) Equipment mounted to the exterior of a pole shall be a minimum of 12 feet above finished grade, excluding the electric meter and disconnect switch. Each pole mounted equipment component shall be no more than 15 cubic feet in area. The external finish of the equipment cases shall generally match the color of the pole. All mounting and banding fixtures shall also match the color of the pole;
- (4) No exposed wiring or conduit is permitted. Above the electric meter and disconnect switch, all conduit and wiring shall be located inside the pole;
- (5) Electric meters and disconnect switches shall not be located on the side of the pole that faces the sidewalk, or if there is not currently a sidewalk, the area identified by City staff for the preferred Placement of any future sidewalk. Conduit leading to the electric meter box and disconnect switch shall generally match the color of the utility pole;
- (6) The grounding rod may not extend above the top of sidewalk and must be Placed in a pull box; and the ground wire between the pole and ground rod must be inside an underground conduit;
- (7) Where feasible, all pull boxes shall be located outside of the sidewalk or pedestrian ramp. A concrete apron must be installed around all pull boxes not located in the sidewalk;
- (8) All pull boxes must be vehicle load bearing, comply with FDOT Standard Specifications and be listed on the FDOT Approved Products List;
- (9) Every 5 years from City Permit issuance date, inspection reports must be submitted to the City by the Applicant. These inspection reports must certify that the tower has not had any structural degradation and/or that any structural degradation has been rectified. Failure to submit an inspection report within 60 days after the due date will result in the revocation of the Permit for non-compliance. The actual inspection must be physically performed within 6 months prior to the due date.