

ARTICLE XII

TELECOMMUNICATION TOWERS

SECTION 21-140 - PURPOSE XII-1
21-140.01 - Intent **XII-1**

SECTION 21-141 - LOCATION CRITERIA XII-1
21-141.01 - Tower Setbacks XII-1
21-141.02 - Permitted Tower Locations XII-2

SECTION 21-142 - SITE DEVELOPMENT CRITERIA..... XII-3
21-142.01 - Lighting XII-3
21-142.02 - Painting XII-3
21-142.03 - Construction XII-3
21-142.04 - Multiple Use..... XII-3
21-142.05 - Additions/Improvements XII-3
21-142.06 - Signage XII-3
21-142.07 - Landscaping XII-3
21-142.08 - Site..... XII-4
21-142.09 - Liability XII-4
21-142.10 - Lightning Protection..... XII-4
21-142.11 - Fencing XII-4
21-142.12 - Co-Location..... XII-4

SECTION 21-143 - SPECIAL PERMIT PROCESS XII-5
21-143.01 - Intent XII-5
21-143.02 - Procedures XII-5
21-143.03 - Special Permit Criteria XII-6

SECTION 21-144 - TOWER LOCATION INCENTIVES XII-6
21-144.01 - City Owned Property..... XII-6
21-144.02 - Other Public Property..... XII-6
21-144.03 - Other Private Property..... XII-7

SECTION 21-145 - ANTENNAS ON BUILDINGS XII-7

SECTION 21-146 - INSPECTIONS/CERTIFICATIONS XII-7

SECTION 21-147 - ABANDONMENT..... XII-8

SECTION 21-148 - VARIANCES AND APPEALS XII-8

Section 21-149 through 21-159 reserved for future use.

Article XII

ARTICLE XII

TELECOMMUNICATION TOWERS

SECTION 21-140 - PURPOSE

21-140.01 - Intent

The purpose of this Article is to establish an incentive-based regulatory system for the location of telecommunication towers so that the maximum level of service is available to users with a minimum of disruption to residential neighborhoods. The basic philosophy is to encourage the placement of monopole uses and discourage the use of guyed and lattice towers. The term monopole means a telecommunication tower consisting of a single pole or spire self supported by a permanent foundation, constructed without guy wires and ground anchors. The term others means towers that are supported by guyed wires and lattice towers. The location of telecommunication towers is quasi-judicial in nature and shall be administered accordingly.

SECTION 21-141 - LOCATION CRITERIA

21-141.01 - Tower Setbacks

- a. Table XII-1 describes the tower setbacks from adjacent parcels designated on the Future Land Use Map as low density residential (LDR), medium density residential (MDR), high density residential (HDR) and public rights-of-way (R/W).
- b. Except as provided in Section 21-144, Table XII-1 shows the percentile to be applied to the proposed tower height to determine the required setback from adjacent property lines. For example, a 175 foot monopole times the percentile equals 350 feet from a parcel designated LDR, MDR and HDR in the City's Comprehensive Plan and 87.5 feet from a public road R/W.
- c. The setback is measured from the base of the antenna to the nearest property line.

**Table XII-1
Tower Setbacks (% of height)**

Land Use/Tower Height	≤ 75 Ft.	75 ≥ 100 Ft.	100 ≥ 125 Ft.	125 ≥ 150 Ft.	150 ≥ 175 Ft.	175 ≥ 200 Ft.
LDR, MDR and HDR						
Monopoles	100 %	100 %	125 %	150 %	200 %	250 %
Others	110	125	200	200	300	300
Public R/W						
Monopoles	25	25	25	25	50	100
Others	125	125	125	150	150	200

Source: Development Services Dept.

21-141.02 - Permitted Tower Locations

- a. Towers intended for non-personal uses are not permitted in the LDR, MDR and Conservation Future Land Use (FLU) categories. Tower locations in all other FLU categories, regardless of height, will require a special permit, i.e., a public hearing by the P&Z and a public hearing by City Council.
- b. Towers intended for personal uses shall not exceed the height limit in its respective zoning district, per Table V-1.
- c. The height of the tower shall be measured from the crown of the nearest public road to the top of the tower, whether a stand alone tower or attached to another structure. All towers shall be designed to blend into the character of the adjacent parcels and be as unobtrusive as possible. A graphic demonstration may be necessary in this regard.
- d. Telecommunication towers shall not exceed 200 feet in height.
- e. All towers existing on the effective date of this Code shall become legal nonconforming uses.
- f. Temporary towers may be erected when associated with a Special Use Permit issued by the City.

SECTION 21-142 - SITE DEVELOPMENT CRITERIA

21-142.01 - Lighting

Towers shall not be artificially lighted except as required by the Federal Aviation Administration.

21-142.02 - Painting

Towers not requiring FAA painting/marketing shall have either a galvanized finish or painted a non-contrasting blue, gray or black finish.

21-142.03 - Construction

Towers shall be constructed to the EIA/TIA 222-E Standards, as amended from time to time, ASCE 7-95, "Minimum Design Load for Buildings and Structures", (Wind Loads Chapter), as published by the American Society of Civil Engineers and further defined by ASCE 7-88, "Guide to the Use of the Wind Load Provisions," both which may be amended from time to time; all City of Edgewater construction/building codes; and signed and sealed by a Florida licensed Professional Engineer.

21-142.04 - Multiple Use

All telecommunication towers shall be designed to accommodate at least two (2) antennas.

21-142.05 - Additions/Improvements

Any additions to existing towers shall require construction plans, signed and sealed by a Civil Engineer which demonstrate compliance with the EIT/TIA 222 Standards in effect at the time of said improvement or addition.

21-142.06 - Signage

No commercial signage or advertising shall be permitted on a communication tower. The use of any portion of a tower or perimeter fence/wall for signs or advertising purposes, including company name, banners, etc., shall be prohibited.

21-142.07 - Landscaping

New tower sites shall provide a landscape plan which conforms to the following criteria:

- a. Landscaping shall be installed outside the fences.
- b. Existing vegetation shall be used to the maximum extent possible in meeting these requirements.
- c. Shade trees shall be planted around the outside of the fence with sufficient height and density to obscure the barbed wire around the top of the fence in two years.

- d. Shrubbery shall be planted around the outside of the fence of sufficient height and density to obscure the bottom four feet (4') of the fence within three (3) years.
- e. All landscaping shall be drought tolerant (xeriscape) or be irrigated.
- f. All landscaping shall be properly maintained to ensure good health and viability.
- g. The prohibited vegetation described in Article V, Tables V-2 and V-6 shall not be used for landscaping tower sites.

21-142.08 - Site

A monopole site shall be limited to 2,500 square feet, no more than 500 square feet of which may be occupied by the equipment building.

21-142.09 - Liability

All towers shall be covered by liability insurance to cover any damage to adjacent property or personal injury resulting from its operations. The City shall be held harmless in such cases.

21-142.10 - Lightning Protection

In order to protect adjacent structures from lightning strikes, all tower sites shall be grounded by grounding rods and buried cable and shall provide a minimum 45-degree cone of protection from the top of the tower to the ground.

21-142.11 - Fencing

All tower sites shall be surrounded by an eight-foot (8') high chain link fence with a triple strand of barbed wire and a locked access gate.

21-142.12 - Co-Location

All building permit applications shall include evidence that the applicant has made diligent, even if unsuccessful, efforts to co-locate its antenna on an existing structure within the applicant's design search area. Such evidence may include, but is not limited to at least two (2) other service providers, and/or a notarized sworn statement from the applicant to the effect that diligent efforts have been made in this regard.

SECTION 21-143 - SPECIAL PERMIT PROCESS

21-143.01 - Intent

This section describes the review process and criteria for reviewing proposed tower locations depicted in Table XII-1 as requiring a special permit process.

21-143.02 - Procedures

- a. An applicant shall submit a site plan application to the Development Services Department with the appropriate review fee.
- b. At a minimum, the application shall include:
 1. Name, address, phone number and fax number of the applicant's company and contact person.
 2. The signature of the property owner or written authorization for the applicant to submit the application and a copy of the lease.
 3. A legal description and boundary survey for the subject site and its latitude and longitude.
 4. The type and height of the tower.
 5. A landscape plan where required.
 6. FAA and/or FCC number as may be applicable.
 7. An Ownership and Encumbrance report for the subject property.
 8. Other such information as deemed necessary.
- c. The staff shall prepare a written report analyzing the pertinent factors involved and the criteria described in Section 21-143.02 and transmit the report to the applicant and the Planning and Zoning Board (P&Z).
- d. The P&Z will conduct a public hearing pursuant to the notice requirements for a Conditional Use Permit described in Section 21-92.
- e. At completion of the P&Z action, the application shall be scheduled for a City Council public hearing.
- f. The staff report and recommendations, including the P&Z action and public hearing input will be transmitted to the applicant and the City Council.
- g. A decision of the City Council regarding telecommunication towers may be appealed to a court of competent jurisdiction.
- h. The decisions by the P&Z and the City Council shall be based on competent substantial evidence pursuant to the requirements of Section 704 (a) (iii) of the Telecommunications Act of 1996.

21-143.03 - Special Permit Criteria

The applicant shall be required to submit competent substantial information to allow the staff to evaluate the following criteria in the preparation of their recommendations:

- a. The location of the proposed tower to any other tower within two thousand feet (2,000’).
- b. Identify the attempts to utilize existing land uses within the applicant's search area to mitigate visual impacts between the proposed tower and the adjacent land uses within the applicant's search area.
- c. The applicant shall demonstrate how the on-site location of the proposed tower maximizes the use of site orientation in order to minimize adverse visual impacts to any adjacent land uses.
- d. The applicant shall submit information concerning proposed plans to mitigate impacts associated with the proposed tower and adjacent land uses. Mitigation plans may include, but are not limited to the utilization of compatible support structures in relation to other existing similar structures, the use of camouflaged communications facilities, the use of landscaping, screening walls, and berms/streetscapes.
- e. Such evidence may include, but is not limited to photographs, videotape and a written visual impact assessment which demonstrate how the proposed tower location minimizes adverse impacts.

SECTION 21-144 - TOWER LOCATION INCENTIVES

21-144.01 - City Owned Property

The following incentives are offered for the location of antennas and/or towers:

- a. An antenna may locate on any City-owned property upon execution of a lease without complying with the process described in Sec. 21-141.02. The setback restrictions in Table XII-1 shall apply, unless an antenna is located on a City water tower.
- b. A proposed formal agreement for use of City property shall be considered by the City Council.

21-144.02 - Other Public Property

For the purposes of this section, other public property shall mean any property owned by any public agency or body, other than the City.

- a. The applicant shall provide evidence that the respective public agency or body has agreed to a lease.
- b. An antenna may locate on other public property upon execution of a lease.

- c. The setback restrictions in Table XII-1 shall apply, unless an antenna is located on an existing structure.

21-144.03 - Other Private Property

- a. The City encourages co-location on existing privately owned towers as long as all required setbacks are met for the new tower height.

SECTION 21-145 - ANTENNAS ON BUILDINGS

Antennas not attached to towers shall conform to the following criteria:

- a. Antennas may not extend more than twenty feet (20') above the highest point of a roof, unless public safety demands clearly demonstrate otherwise.
- b. Antennas and related equipment buildings will be located or screened to minimize the visual impact of the antenna upon adjacent properties and will be of a material or color which matches the exterior of the building or structure upon which it is situated.
- c. No commercial advertising will be allowed on an antenna.
- d. No signals, lights and/or illumination shall be permitted on an antenna or equipment building, unless required by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA).
- e. Any related unmanned equipment building shall not contain more than 750 square feet of gross floor area or be more than twelve feet (12') in height.
- f. If the equipment building is located on the roof of the building, the area of the equipment building shall not occupy more than twenty-five percent (25%) of the roof area.

SECTION 21-146 - INSPECTIONS/CERTIFICATIONS

- a. Tower owners/operators shall submit to the Inspection Division, a certified statement from a qualified, registered Professional Engineer, licensed in the State of Florida attesting to the structural and electrical integrity of the tower on the following schedule:
 - 1. monopole towers - every 5 years;
 - 2. any other type towers - every 2 years.
- b. Prior to receiving final inspection by the Edgewater Building Division, documented certification shall be submitted to the FCC, with a copy to the Development Services Director, certifying that the communication facility complies with all current FCC regulations for non-ionizing electromagnetic radiation (NIER).

SECTION 21-147 - ABANDONMENT

- a. In the event the use of any tower has been discontinued for a period of one hundred eighty (180) consecutive days, the tower shall be deemed to be abandoned.
- b. Upon such abandonment, the owner/operator of the tower shall have an additional ninety (90) days within which to either reactivate the use of the tower or transfer the tower to another owner/operator who makes actual use of the tower or dismantle and remove the tower.
- c. In order to ensure each abandoned tower is removed, a \$10,000 dollar performance bond shall be posted prior to issuance of a building permit.
- d. The City may declare any abandoned telecommunication tower a nuisance per se and cause its removal pursuant to the provisions of the City Code.

SECTION 21-148 - VARIANCES AND APPEALS

Applications for an appeal or variance shall be submitted in accordance to Article I.

Sections 21-149 through 21-159 reserved for future use.