

JOINT LUZ & TEU COMMITTEE WORKSHOP

WORKSHOP AGENDA

Thursday, June 21, 2018

11:00 AM

Council Chambers 1st Floor, City Hall

Tape No. _____

Carol Owens, Chief of Legislative Services

Lori Boyer, Chair

Al Ferraro, Chair (TEU) – *Excused Absence*

Jim Love

Aaron Bowman

John Crescimbeni

Tommy Hazouri

Joyce Morgan

Matt Schellenberg, Chair (LUZ)

Danny Becton

Doyle Carter

Reggie Gaffney

Meeting Convened:

Meeting Adjourned:

If a person decides to appeal any decision made by the Council with respect to any matter considered at such meeting, such person will need a record of the proceedings, and for such purpose, such person 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.

- 1) Introductions
- 2) 2017-863: Review of wireless provider and JEA comments on filed substitute and objective design standards – Jason Teal
- 3) Public Comments on 2017- 863
- 4) Revisions to Chapter 656- Bill Killingsworth/Jason Teal
- 5) Public comments on 656 changes
- 6) Discussion of committee process and timing
- 7) Adjourn

NOTE: Other items may be added at the discretion of the Chair.

SUMMARY OF COMMENTS SUBMITTED IN RESPONSE TO SUBSTITUTED LEGISLATION

Ordinance does not distinguish wireline cable and telecommunication providers from Wireless Facilities

Permitting requirements do not distinguish communications service providers who are not engaged in Wireless Services from the need to obtain permits for each of their wireline facilities.

Comcast

Response: amend definition of Limited Work to include Comcast's suggested language since wireline facilities are not required to obtain individual site-specific permits for each installation due to their size and low visual impact.

Ordinance does not establish a review process for collocations on JEA poles.

An open question remains concerning which agency (the City or JEA) would initiate the process for reviewing collocations on JEA poles.

JEA

Response: adopt JEA proposed language requiring a JEA authorization for permit approval, as well as initiation of the permit review process commencing with JEA.

Definitions for Wireless Facility and Small Wireless Facility need to include language to exempt government agency equipment and facilities.

Additional amendments to reflect the existing exemption from the definition of Communications Facilities for government facilities needs to be extended to the additional definitions

JEA

Response: Agreed that the additional definitions should include the exemption to effectuate the decision to exclude public agencies from the permitting requirements.

Cubic Volume of Pole-mounted Equipment

Interpretation that state statute allows up to 28 cubic feet to be mounted on the pole.

T-Mobile, Verizon, AT&T

Response: State statute defines "small wireless facility" to include an antenna of no more than 6 cu.ft. and other wireless equipment cumulatively no more than 28 cu.ft. (not including electric meters, concealment elements, grounding equipment, etc.). The statute is silent on where such equipment is allowed to be mounted. Therefore, the statute does not mandate the City to allow all 28 cu.ft. to be pole-mounted.

6 cu.ft on pole is not sufficient

Technological limitation on the equipment required to be pole mounted (separate from the antenna volume) requires a larger volume to be allowed on the poles.

AT&T, Verizon, T-Mobile

Collocation on private utility poles in ROW

Does the City want to allow this?

Verizon

Response: if so, need to amend certain definitions and design standards tables to allow. If not, 711.429 pole attachment agreement section needs to be changed.

Security fund affected by recent change to state law

2018 Legislature amended section 202.24, FS to include "security fund" as a prohibited tax, charge, fee, or other imposition on communication providers by local ordinance. Therefore, the City cannot charge a security fee.

Verizon, Comcast

Response: the statute does not define a "security fund". Without a definition, one looks to the other terms to derive its meaning. All the other prohibited charges relate to fees or monies charged to providers for the privilege of using the City's ROW. However, the proposed security fund contained in the draft legislation is functioned as a surety fund to be used only in the event a provider fails to comply with the requirements of the ordinance, necessitating the City to step in to correct the violation or remove abandoned equipment. This is a different function than seems to be prohibited by the amendment to the statute. As such, I would recommend changing the name to Surety Fund and eliminate the means of a cash deposit as satisfying the surety policy of this provision, relying on either a bond or letter of credit to satisfy this requirement.

Undergrounding Requirements

Shallow water table in Jacksonville makes undergrounding impossible

T-Mobile, Verizon, AT&T

Allowing placement on private property, establishing 10 business day deadline regarding completeness of application

Mobilitie, Uniti Southern Light

Remove references to violations being civil or criminal infractions

Mobilitie

Response: All of the City's codes may be enforced either civilly or criminally. No need to treat this code section any differently.

Clarifying no registration cost for Communication Providers

Mobilitie

Response: no objection

Identifies Replacement Poles as being authorized for location in ROWs

Mobilitie

Response: no objection

Shortens review time from 90 to 45 days for Director for alternative location reviews

Mobilitie

Removes failing to comply with design standards and other Applicable Codes as a basis for denial

Mobilitie

Response: this is inadvisable since it would remove the City's ability to force compliance with the referenced codes and design standards

Eliminates waiver criteria pertaining to applicant's request being based on a desire to reduce compliance costs.

Mobilitie

Response: this criteria is the same as required for other waivers under the Zoning Code and creates a waiver argument simply because the failure to comply is cheaper for the providers.

Establishes ensuring that all citizens have abundant access to broadband capability as a compelling public interest to grant a waiver of code requirements.

Mobilitie

Response: intent of waiver process is to create a hardship exception to strict compliance that is supposed to be unique to the particular location requested such that strict compliance would be unfair or unreasonable. Ensuring broadband capability would be present in every application, thereby negating the rarity of circumstances that are supposed to be present in considering a waiver.

Questions City Council's ability to determine waiver applications within statutory 45-day deadline.

Verizon

Response: 45 days would normally be enough time for legislation to go through full review, however 5th Weeks and deferrals would be a problem.

Reduces review time for make ready work from 60 days to 15.

Mobilitie

Expands payment deadline for collocation rate fees to be paid from 90 to 180 days.

Mobilitie

Neutralizes prohibition against ability of service providers to collocate on private poles or support structures in ROWs.

Mobility

Response: prohibition should remain as is.

Eliminates prohibition of new poles only as part of alternate location review.

Mobility, Verizon

Response: if the Council still desires to allow new poles only when there does not already exist a suitable utility pole, this suggested change should be rejected. Statute does not prohibit City's ability to require collocation as a first choice.

City has no ability to deny request for new pole if existing poles are feasible.

Statute lists the only allowable reasons to deny an application, and existence of utility pole in area is not an allowable basis for denial.

Verizon

Response: statute specifies the failure to comply with applicable codes is a proper basis for denial. Definition of applicable codes in statute lists ordinances adopted to implement the statute, as well as objective design standards. Requirement to first collocate on existing poles before consideration of new pole is an ordinance adopted to implement the new law as well as an objective design standard since the requirement is intended to reduce the negative visual impacts from the proliferation of new poles in the ROW.

Establishes criteria for the Director to consider when determining the feasibility of using an existing pole in lieu of a new pole including, the additional financial burdens on the applicant associated with collocating, the delay associated with collocation versus allowing construction of a new pole and any burdensome technical considerations associated with collocation.

Mobilitie

Response: probably advisable to provide some criteria for the Director to use to evaluate claims of "unreasonable feasibility" associated with use of an existing utility pole as opposed to the Applicant's desire to place their own new pole.

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PART 15. - COMMUNICATION TOWER AND ANTENNA REGULATIONS[14]

Footnotes:

--- (14) ---

Editor's note- Ord. 2001-600-E, §§ 2 and 3, effective August 23, 2001, amended the Code by repealing former Part 15, §§ 656.1501-656.1531, and adding a new Part 15, §§ 656.1501-656.1533. Former Part 15 pertained to similar subject matter, and derived from Ord. 96-305-296; Ord. 96-760-412; Ord. 96-810-482; Ord. 1999-243-E; Ord. 1999-1330-E; and Ord. 2001-293-E.

Sec. 656.1501. - Purpose and intent.

The City Council finds that the promulgation of these regulations is warranted and necessary to promote the health, safety and general welfare of residents of the City by:

(a) Providing uniform standards for the provision of both radio and television broadcast signals and telecommunication services, including two-way radio, paging, PCS, cellular and related wireless services;

(b) Protecting the natural features and aesthetic character of the City by regulating the location, design and operation of wireless communication facilities, with special attention to residential neighborhoods, public parks, transportation view corridors, historic districts, historic landmarks, and environmentally sensitive lands;

(c) Minimizing the adverse visual and aesthetic impacts of wireless communication facilities through innovative design, siting

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and landscaping standards, including incentives to promote the use of Camouflaged Towers, Stealth Towers, co-location of new antennas on existing communication towers and the placement of antennas on roofs, walls, existing towers and other existing structures;

(d) Accommodating the growing demand by the citizens of Jacksonville and Duval County for wireless communication services, including, but in no way limited to high speed bandwidth connectivity, consistent with the Federal Telecommunications Act of 1996 and the Florida Wireless Emergency Communications Act of 2017, (citation), and ensuring an efficient and high-quality wireless communications network; and

(e) Expediting the review process for those applications choosing the least intrusive alternative of deploying wireless telecommunication services.

These regulations are not intended to prohibit or have the effect of prohibiting the provision of personal wireless services, nor shall they be used to unreasonably discriminate among providers of functionally equivalent services, consistent with federal regulations. To the extent that the said regulations prohibit or have the effect of prohibiting the provision of personal wireless services, the same are deemed void. Nothing set forth herein shall work to cause any applicant to be forced to allow other wireless communications providers to collocate on the applicant's tower unless the applicant and said other wireless communications provider(s) reach agreement on terms that are acceptable to the parties thereto.

(Ord. 2001-600-E, §§ 2, 3; Ord. 2007-561-E, § 1)

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1 Sec. 656.1502. - Definitions.

2
3 For purposes of this Part, the following terms, words, and phrases
4 shall have the following meanings:

5
6 Antenna means a device used to receive or transmit radio frequency
7 signals. Examples include, but are not limited to, whip antennas,
8 panel antennas and dish antennas.

9
10 Broadcast tower means a tower designed and constructed for the
11 principal purpose of supporting one or more radio and/or television
12 antenna, but also allowing for other secondary purposes such as
13 those regulated by Part 15 of this Zoning Code, including two-way
14 radio, paging, PCS, cellular and related wireless services.

15
16 Camouflaged tower means any wireless communication tower that is
17 designed to hide, obscure or conceal the presence of antennas and
18 the tower. Examples include, but are not limited to, clock towers,
19 bell towers, church steeples, utility poles, flag poles, light
20 poles, tree towers, stadium lights and water towers.

21
22 Collocation means the situation when a second or subsequent
23 wireless provider uses an existing structure to locate a second or
24 subsequent antennae.

25
26 Conventional wireless tower means a monopole designed and
27 constructed to support multiple antennas. This term does not
28 include camouflaged towers, low impact/stealth towers, broadcast
29 towers or amateur radio towers.

30
31 Distance means, where used in connection with required setbacks and

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1 separation requirements, the distance from the center of a wireless
2 communication tower.

3
4 Environmentally sensitive lands means those areas of land or water
5 which are determined necessary by the local government (based on
6 locally determined criteria) to conserve or protect natural
7 habitats and ecological systems, as more fully set forth in the
8 City's 2010 Comprehensive Plan.

9
10 Federal Communications Commission (FCC) means the federal agency
11 charged with licensing and regulating wireless communications at
12 the national level.

13
14 Height means the vertical distance measured in feet from the ground
15 level of the tower to its highest point, including any antenna or
16 other appurtenances.

17
18 Lattice tower means a nonmonopole tower of lattice construction.

19
20 Low impact/stealth tower means a monopole that is equipped with
21 visually low impact antenna mounts of wireless communication
22 service providers. Examples include, but are not limited to, low-
23 profile mounts, close-mounts, cobra-mounts and side-arm antennas.

24
25 Search ring means that area in which the antenna of a wireless
26 communication service provider must be located in order to provide
27 the provider's designed wireless communication service to a defined
28 geographic area.

29
30 Tower Review Committee means the public body charged with
31 responsibility for making final decisions with respect to

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1 applications for waivers from minimum setback and separation
2 requirements, applications for waivers from landscaping
3 requirements, applications for variances from the maximum height
4 requirements for low impact/stealth towers, applications for
5 variances from the maximum height and projection requirements for
6 side-mount and rooftop antennas, applications for variances from
7 other maximum height requirements in Subpart A, and applications
8 for declaration of tower or antenna type.

9
10 Transportation view corridor means any public right-of-way,
11 including roads, waterways and trails; provided, however, that this
12 definition shall not include those public, unopened rights-of-way
13 platted prior to 1968.

14
15 Urban/suburban area boundary means that boundary depicted in the
16 Future Land Use Map series of the City of Jacksonville 2010
17 Comprehensive Plan, identifying the separation between the
18 rural/agricultural and urban/suburban areas of the City.

19
20 Wireless Communications Coordinator ("the Coordinator") means the
21 person charged with primary responsibility for coordinating the
22 filing and processing of all wireless communication tower and
23 antenna applications, maintaining a central database of all
24 wireless communication towers and antennas located within the City
25 and performing other duties as described in this Part.

26
27 Wireless communications facility means any equipment or facility
28 used to provide service and may include, but is not limited to,
29 antennae, towers, equipment enclosures, cabling, antenna brackets,
30 and other such equipment. Placing a wireless communications
31 facility on an existing structure does not cause the existing

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1 structure to become a wireless communications facility.

2
3 Wireless communication service provider means the holder of an FCC
4 license to provide wireless telecommunication service, including,
5 but not limited to, cellular, personal communication services
6 (PCS), specialized mobilized radio (SMR), enhanced specialized
7 mobilized radio (ESMR), paging and similar services that are
8 marketed to the general public.

9
10 Wireless communication tower means any structure designed and
11 constructed for the purpose of supporting one or more communication
12 antennas, including camouflaged towers, conventional wireless
13 towers and low impact/stealth towers. This term does not include
14 broadcast towers, amateur radio towers or those towers used solely
15 for private-use dispatch purposes.

16 (Ord. 2001-600-E, §§ 2, 3; Ord. 2001-1058-E, § 2; Ord. 2002-709-E,
17 § 1; Ord. 2007-561-E, § 1)

18
19 SUBPART A. - WIRELESS COMMUNICATION FACILITIES[15]

20
21 Footnotes:

22 --- (15) ---

23 Editor's note- Ord. 2007-561-E, § 2, amended the Code by repealing
24 former Subpart A, §§ 656.1503-656.1515, and adding a new Subpart A.
25 Former Subpart A pertained to similar subject matter, and derived
26 from Ords. 2001-600-E, 2001-1058-E, and 2002-709-E.

27
28 Sec. 656.1503. - Applicability.

29
30 (a) New towers. All new wireless communication towers on land
31 within the City shall be subject to these zoning regulations. In

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1 the event of a conflict between any zoning district regulations and
2 the regulations contained in this Part, the provisions of this Part
3 shall override and supersede such other regulations, unless
4 otherwise specifically set forth herein.

5
6 (b) Existing towers. Any wireless communication tower existing as
7 of August 23, 2001, that does not comply with the height and design
8 requirements of this Subpart shall be deemed a legally permitted
9 nonconforming use. Expansion of the footprint of an existing
10 wireless communication facility to accommodate collocation shall
11 not be deemed an expansion of a nonconforming use. Notwithstanding
12 their status as legally permitted nonconforming uses, all existing
13 wireless communication towers shall comply with the registration
14 and reporting requirements set forth in Section 656.1516, Ordinance
15 Code.

16
17 (c) Replacement towers. An existing wireless communication tower,
18 including a legally permitted nonconforming tower, may be replaced,
19 subject to building permit review, if the overall height of the
20 tower is not increased and the replacement tower is a monopole
21 tower or, if the existing tower is a camouflaged tower, the
22 replacement tower is a like-camouflaged tower. All replacement
23 towers shall comply with the originally approved landscape plan.
24 The Tower Review Committee may grant waivers from the originally
25 approved landscape plan according to Section 656.1508, Ordinance
26 Code.

27
28 (d) Height increases. An antenna placement or collocation proposal
29 that increases the height of a tower shall be subject to the
30 requirements set forth in Section 656.1510, Ordinance Code. An
31 increase in the height of an existing wireless communication tower

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beyond that permitted in Section 656.1510, Ordinance Code, shall be treated as a new tower and shall be subject to all the requirements of this Subpart A, except for those requirements concerning the minimum distance requirements.

(Ord. 2007-561-E, § 2)

Sec. 656.1504. - Wireless communication towers.

The construction of a wireless communication tower in any zoning district within the City may be initiated only upon approval of an application in accordance with the relevant procedures set forth herein. The Applicant may file an application with up to thirty (30) locations per application.

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The original application, along with eight copies, shall be filed with the Coordinator by the owner of the land upon which the proposed tower is to be located, or his authorized agent. Within ten working days of receipt of an application, the Coordinator shall determine if the application form has been fully completed and all required items submitted. Upon making this determination, the Coordinator shall notify the applicant, in writing, of the status of the application. If the Coordinator determines that the application is incomplete, he shall advise the applicant of those items that need to be submitted. If the Coordinator determines that the application is complete, he shall advise the applicant of the estimated schedule for processing the application and projected date for obtaining either an approval or denial of same. Additionally, the Coordinator shall forward a complete copy of the application and all correspondence with the applicant to the Council President, the District Council Member and the Office of General Counsel. If the Coordinator does not notify the Applicant on or before ten (10) working days from the date of submission as to the completeness of the application, the

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1 application is deemed complete.

2 (Ord. 2007-561-E, § 2)

3
4 Sec. 656.1505. - Track I Towers - Administratively approved.

5
6 (a) Applications for wireless communication towers that meet the
7 location and design requirements to be "Track I" towers shall be
8 assigned for processing on an expedited "Track I" schedule. Upon a
9 determination by the Coordinator that the application is
10 complete, (which said determination shall be made on or before ten
11 (10) business days from date of submission, or, absent said
12 determination and notice to the Applicant on or before said ten
13 (10) business day period, the application being deemed complete),

14 the Coordinator shall determine whether the application satisfies
15 the criteria for a Track I Tower and issue an order granting or
16 denying the application for a Track I Tower, within the timeframe
17 set forth in Section 656.1511(b), Ordinance Code. If the
18 Coordinator determines that the application satisfies the criteria,
19 the Coordinator shall issue an order approving the application and
20 forward a copy of the order and application to the District Council
21 Member, and if there is no District Council Member, the At-large
22 Council Member from the Group which contains the appropriate
23 district. If the applicant is not notified of the Coordinator's
24 determination within the timeframe as set forth in Section
25 656.1511(b) of the Ordinance Code, the Applicant shall be deemed to
26 have met the criteria for a Track I Tower and an Order granting
27 said application for a Track I Tower shall be issued on or before
28 seven (7) business days thereof.

29
30 (b) Track I requirements. A tower may be considered a Track I
31 camouflaged tower if it satisfies all of the following criteria:

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(1) The tower is an appropriate approved camouflaged design, pursuant to section 656.1509(c), Ordinance Code, or the tower is less than 50 feet and less than the maximum height allowed of a principle structure on the site per the Ch. 656 and meets the definition for "small wireless facilities", as defined in Part 4, Ch. 711, Ordinance Code;

(2) The tower is located in a non-residential zoning district;

(3) The tower height shall be:

(i) 150 feet or less, if located in an industrial use category of the Future Land Use Plan;

(ii) 130 feet or less, if located in a Community/General Commercial, Regional Commercial or Central Business District category of the Future Land Use Plan;

(iii) 110 feet or less, if located in a Neighborhood Commercial or Public Buildings and Facilities category of the Future Land Use Plan;

(iv) 90 feet or less, if located in any other non-residential category of the Future Land Use Plan, except the Conservation category;

(4) The tower will be located at least 100 feet or 100% of the tower height, whichever distance is less, from the property line of any property within a Residential category of the Future Land Use Plan and with residential zoning, or from a portion of a Planned

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Unit Development zoned for residential uses;

(5) The tower will be set back a minimum distance of 50 feet from any transportation view corridor, a public park, a historic district, a historic landmark, and any environmentally sensitive land; unless the camouflaged tower is designed to resemble a utility or light pole, or the tower is 50 feet or less and less than the maximum height allowed of a principle structure on the site per the Ch. 656 and meets the definition and the design guidelines for "small wireless facilities", as defined in Part 4, Ch. 711, Ordinance Code;

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(6) There is no technologically and structurally suitable space available on commercially reasonable terms on an existing or proposed tower or structure within the search ring (for the purposes of this paragraph, as well as all other places in this said Chapter, "commercially reasonable terms," shall include, but in no way be limited to, (i) financial considerations and (ii) a consideration of the length of time necessary to complete deployment of the facility); and

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(7) The view of the base of the wireless communication facility from any residentially neighborhoods, environmentally sensitive lands, historic districts, historic landmarks, public parks or transportation view corridors will be mitigated through the use of either: (i) meeting performance standards of Sec. 656.1512(c), Ordinance Code; (ii) intervening structures or existing vegetation that provide the equivalent screening, (iii) or the tower is 50 feet or less and less than the maximum height allowed of a principle structure on the site per the Ch. 656 and meets the definition for "small wireless facilities", as defined in Part 4,

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1 Ch. 711, Ordinance Code. ✓

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2
3 (8) Separation. For towers over 50 feet, no tower shall be
4 permitted to be constructed within 75 feet of another tower over 50
5 feet;

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6 (c) Appeal. If the Coordinator determines that an application
7 satisfies all of the criteria, the District Council Member, or if
8 there is no District Council Member, the At-large Council Member
9 from the Group which contains the appropriate district, shall have
10 14 days to appeal the determination in the following manner:

11
12 (1) The District Council Member shall file a formal notice of
13 appeal with the Coordinator within 14 days of receiving the
14 application;

15
16 (2) The Coordinator shall set the matter for a hearing before the
17 Commission on or before thirty (30) days after receipt of said
18 application;

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19
20 (3) The Commission's review is limited to whether or not the
21 camouflaged design was appropriate for the site and/or whether
22 there is no technologically and structurally suitable space
23 available on commercially reasonable terms on an existing or
24 proposed tower or structure within the search ring, as well as the
25 needs and the desires of the citizens of the surrounding
26 neighborhood and area for high-speed broadband capability, taking
27 into consideration all wireless communications services and upload
28 and download speeds provided by wireless carriers in the
29 surrounding neighborhood and area.

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31 (4) The parties to the proceeding are the District Council Member,

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1 the Department, and the applicant. No other parties shall be
2 permitted to comment.

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3
4 (5) On or before seven (7) days from the date of said hearing, the
5 Commission shall issue a finding regarding the appeal on the date
6 of the hearing and this finding shall be the final agency action
7 for the City, with appeals to a court of competent jurisdiction.

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8
9 (6) Likewise, if the Coordinator determines that an application
10 does not satisfy all of the criteria, the Applicant shall have 14
11 days to appeal the determination in the following manner:

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12
13 (7) The Applicant shall file a formal notice of appeal with the
14 Coordinator within 14 days of receipt of notice from the
15 Coordinator of the denial of said application;

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16
17 (8) The Coordinator shall set the matter for a hearing before the
18 Commission on or before thirty (30) days after receipt of said
19 application;

20
21 (9) The Commission's review is limited to whether or not the
22 camouflaged design was appropriate for the site and/or whether
23 there is no technologically and structurally suitable space
24 available on commercially reasonable terms on an existing or
25 proposed tower or structure within the search ring, as well as the
26 needs and the desires of the citizens of the surrounding
27 neighborhood and area for high-speed broadband capability, taking
28 into consideration all wireless communications services and upload
29 and download speeds provided by wireless carriers in the
30 surrounding neighborhood and area.

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(10) On or before seven (7) days from the date of said hearing, the Commission shall issue a finding regarding the appeal on the date of the hearing and this finding shall be the final agency action for the City, with appeals to a court of competent jurisdiction.

(Ord. 2007-561-E, § 2)

Sec. 656.1506. - Track II Towers - Commission approved.

(a) Application and review. Applications to construct a camouflaged tower not satisfying the criteria set forth in Section 656.1505, Ordinance Code, or low impact/stealth tower shall be assigned for processing on a "Track II" schedule. Within 15 days of notification from the Coordinator that the application is complete, a Track II application shall be scheduled for review at the next regularly scheduled meeting of the Commission. The Commission shall approve, deny or conditionally approve the application where it finds that the proposed tower (1) complies with the tower siting and design requirements and performance standards of this Subpart; and (2) is compatible with the existing contiguous uses or zoning and compatible with the general character and aesthetics of the surrounding neighborhood or area, considering (a) the design and height of the wireless communication tower; (b) the potential adverse impact upon any environmentally sensitive lands, historic districts or historic landmarks, public parks or transportation view corridors; and (c) the needs and the desires of the citizens of the surrounding neighborhood and area for high-speed broadband capability, taking into consideration all wireless communications services and upload and download speeds provided by wireless carriers in the surrounding neighborhood and area.

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(b) Camouflaged towers; Siting and Design Requirements. Except as set forth in Section 656.1514, Ordinance Code, Track II camouflaged towers shall be permitted in all zoning districts, including Planned Unit Development Districts, and shall meet the compatibility requirements set forth in subsection (a) above and shall be subject to the following siting and design requirements:

(1) Height. Track II camouflaged towers shall not be subject to a maximum height requirement, so long as the proposed tower is architecturally and aesthetically compatible with the surrounding community. Towers meeting the definition for "small wireless facilities", as defined in Part 4, Ch. 711, Ordinance Code shall not exceed the maximum height allowed of a principle structure on the site per the Ch. 656 or 50 feet whichever is less.

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(2) Setbacks. Regardless of the zoning district in which a camouflaged tower is proposed to be constructed, the tower shall be set back a distance of at least 100 feet or 100 percent of the tower height, whichever distance is less, from the nearest residential lot line of any single family residence or single family residentially-zoned property, including residential PUD districts and properties with a single-family residential component in a mixed-use PUD district, or AGR IV land use category; provided, however, that this setback shall not be required where legal title to the nearest residential parcel is held by the owner of the tower site. In the event that the proposed tower is to be located within a mixed use Planned Unit Development (PUD), the minimum distance set forth herein shall be measured from the nearest residential use. Camouflaged towers shall also be set back a minimum distance of 50 feet from any transportation view corridor or environmentally sensitive lands; provided, however, that the set back from the

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1 transportation view corridor shall not apply where the camouflaged
2 tower is designed to resemble a utility or light pole, or the tower
3 is 50 feet or less, and less than the maximum height allowed of a
4 principle structure on the site per the Ch. 656, and meets the
5 definition and the design guidelines for "small wireless
6 facilities", as defined in Part 4, Ch. 711, Ordinance Code.

7
8 (3) Collocation. Any camouflaged tower in excess of 100 feet in
9 height shall be designed to accommodate antennas for at least two
10 separate wireless communication service providers, but nothing set
11 forth herein shall work to cause any applicant to be forced to
12 allow other wireless communications providers to collocate on the
13 applicant's tower unless the applicant and said other wireless
14 communications provider(s) reach agreement on terms that are
15 acceptable to the parties thereto.

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16
17 (4) Separation. For towers over 50 feet, no camouflaged tower shall
18 be permitted to be constructed within 750 feet of another
19 camouflaged tower;

20
21 (c) Low impact/stealth towers; Siting and Design Requirements.
22 Except as set forth in Section 656.1514, Ordinance Code, low
23 impact/stealth towers shall be permitted in all zoning districts,
24 including Planned Unit Development Districts, and shall meet the
25 compatibility requirements set forth in subsection (a) above and
26 shall be subject to the following siting and design requirements:

27
28 (1) Height. The maximum height of low impact/stealth towers in any
29 residential zoning district is 110 feet. In all other districts,
30 the maximum height of low impact/stealth towers is 130 feet;
31 provided, however, that a variance may be sought from the Tower

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1 Review Committee in accordance with the provisions of this Subpart
2 to increase the maximum height of a proposed low impact/stealth
3 tower in a nonresidential zoning district up to an additional 30
4 feet. No variance shall be required, however, where close-mount
5 antennas are proposed to be located on that portion of a low
6 impact/stealth tower in excess of 130 feet, so long as the overall
7 tower height of the tower does not exceed 160 feet and the tower is
8 located in a nonresidential zoning district.

9
10 (2) Setbacks. Regardless of the zoning district in which a low
11 impact/stealth tower is located; the tower shall be set back a
12 distance of at least: (a) 250 feet or 200 percent of the tower
13 height, whichever distance is less, from the nearest residential
14 lot line of any single family residence or single family
15 residentially-zoned property, including residential PUD districts
16 and properties with a single-family residential component in a
17 mixed-use PUD district or AGR IV land use category; provided,
18 however, that this setback shall not be required where legal title
19 to the nearest residential parcel is held by the owner of the tower
20 site; and (b) 150 feet or 100 percent of the tower height,
21 whichever distance is less, from the nearest residential lot line
22 of any Residential Medium Density (RMD), Residential Office (RO),
23 Commercial/Residential/Office (CRO) or Residential High Density
24 (RHD) zoning districts; provided, however, that this setback shall
25 not be required where legal title to the nearest residential parcel
26 is held by the owner of the tower site. In the event that the
27 proposed tower is to be located within a mixed use Planned Unit
28 Development (PUD), the minimum distances set forth herein shall be
29 measured from the nearest residential use. Stealth towers shall
30 also be set back a minimum distance of 250 feet or 200 percent of
31 the tower height, whichever distance is less, from the nearest

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boundary of a public park, historic district, historic landmark, Neighborhood Conservation District or environmentally sensitive lands, and a minimum distance of 100 feet from any transportation view corridor.

(3) Separation. No low impact/stealth tower shall be permitted to be constructed within fifty (50) feet of another stealth tower or a conventional wireless tower.

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(4) Collocation. Any low impact/stealth tower proposed to be constructed between 100 and 110 feet in height shall be designed to accommodate antennas for at least two separate wireless communication service providers. Any low impact/stealth tower proposed to be constructed in excess of 110 feet in height shall be designed to accommodate antennas for at least three separate wireless communication service providers.

(d) Public hearings. A public hearing shall be held by the Commission on all Track II Tower applications. Notice of the public hearing shall be given pursuant to the written notice and posting of sign requirements of Section 656.137(a), (c) and (d). No published advertisement shall be required.

(e) Appeals. When the Commission acts on a Track II application, such action shall be deemed the final action of the City as of the effective date of the final action by the Commission. A final action under this Section shall not be reviewed further by the City Council. Any person with standing may challenge a final action taken by the Commission as authorized by law.

(Ord. 2007-561-E, § 2; Ord. 2010-613-E, § 1; Ord. 2015-338-E, § 1)

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Sec. 656.1507. - Conventional wireless towers ("Track III")-
Council approved.

Applications to construct a conventional wireless tower shall be assigned for processing on a "Track III" schedule. Within fourteen (14) calendar days of notification from the Coordinator that the application is complete, a Track III application shall be assigned a legislative bill number and scheduled for a public hearing before the appropriate committee of reference of the City Council. The committee shall recommend approval, denial, or conditional approval of the application based upon its compliance with the review criteria and the siting and design standards set forth in this Section, as well as the performance standards for all wireless communication towers set forth in this Subpart, on or before ninety (90) calendar days of assignment of a legislative bill number, the City Council shall either approve or deny the application. If the City takes no action on said application, or takes any other action than either to approve or deny the same, the application is deemed approved.

(a) Siting and design standards. Conventional wireless communication towers shall only be allowed in those zoning districts and land use categories located outside the urban/suburban area boundary that do not allow for residential uses, subject to the siting and design requirements set forth in this Section.

(1) Height. The maximum height of a conventional wireless tower is 199 feet.

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Commented [KM1]: The Council has taken up these issues for over a year. The timing must be placed in a framework which is best suited to assist the citizenry to obtain high speed broadband access.

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(2) Design. All conventional wireless towers must be of a monopole design.

(3) Setbacks. Regardless of the zoning district in which a conventional wireless tower is located, the tower shall be set back a distance of at least: (a) 250 feet or 200 percent of the tower height, whichever distance is less, from the nearest residentially zoned parcel; provided, however, that this setback shall not be required where legal title to the nearest residential parcel is held by the owner of the tower site. In the event that the proposed tower is to be located within a mixed use Planned Unit Development (PUD), the minimum distance set forth herein shall be measured from the nearest residential use. Conventional wireless towers shall also be set back a minimum distance of 250 feet or 200 percent of the tower height, whichever distance is less, from the nearest boundary of a public park, historic district, historic landmark, Neighborhood Conservation District or environmentally sensitive lands, and a minimum distance of 100 percent of the tower height from any transportation view corridor.

(4) Separation. No conventional wireless tower shall be permitted to be constructed within 150 feet of another conventional wireless tower.

(5) Collocation. Conventional wireless towers shall be designed to accommodate collocation of antennas for multiple wireless communication service providers, as follows:

Conventional Tower Height	Total Number of Providers
< 110 feet	2
110 feet–130 feet	3

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131 feet-170 feet 4

171 feet-199 feet 5

(6) Nothing set forth herein shall work to cause any applicant to be forced to allow other wireless communications providers to collocate on the applicant's tower unless the applicant and said other wireless communications provider(s) reach agreement on terms that are acceptable to the parties thereto.

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(b) Public hearing. A public hearing shall be held by the Council to consider all conventional wireless tower applications. Notice of the time and place of the public hearing shall be made as provided in Section 656.124, Ordinance Code. Additionally, the notice shall specify the proposed height of the tower and the number of wireless communications service provider(s) that can be located on the tower.

The Department shall be responsible for making an advisory recommendation to the Council on each application for a conventional wireless tower. Said recommendation shall be in writing and furnished to the assigned committee members, the Council President, the District Council Member and the applicant at least three days prior to the scheduled hearing.

(c) Balloon test. Applications for conventional wireless towers shall be required to conduct a "balloon test," unless otherwise prohibited by law. The test shall be conducted as follows:

(1) The balloon shall be red and a minimum of four feet in diameter, anchored to the ground so that it flies at the same height and location as the proposed tower.

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1 (2) The balloon shall be flown continuously from 7:00 a.m. until
2 sunset for two separate days within the same week.

3
4 (3) The test shall be conducted during the week prior to the first
5 scheduled public hearing for the conventional wireless tower before
6 the Council committee of reference. Notice of the scheduled week of
7 the balloon test shall be given along with the notice of the public
8 hearing in accordance with Section 656.124, Ordinance Code.

9
10 (d) Review criteria. An application for a conventional wireless
11 tower permit shall be granted only if the Council finds, from a
12 preponderance of the record evidence, that the proposed tower meets
13 the following standards and criteria:

14
15 (1) The proposed tower shall be consistent with the Comprehensive
16 Plan, including any subsequent plan adopted by the Council pursuant
17 thereto;

18
19 (2) The proposed tower shall comply with both the siting and
20 design standards for conventional wireless towers and the
21 performance standards for all wireless communication towers;

22
23 (3) The proposed tower site shall be sufficiently accessible to
24 permit entry onto the property by fire, police, rescue and other
25 services;

26
27 (4) The height of the proposed tower shall be deemed necessary to
28 provide the wireless provider's designed service,

29
30 (5) The absence of any existing or proposed towers, buildings or
31 other structures that could provide technologically and

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structurally suitable space for collocation on commercially reasonable terms;

(6) The proposed tower shall be compatible with the existing contiguous uses or zoning and compatible with the general character and aesthetics of the surrounding neighborhood or the area, considering:

(i) The design and height of the communication tower;

(ii) The potential adverse impact upon any environmentally sensitive lands, historic districts **or** historic landmarks, public parks or transportation view corridors;

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(iii) The mitigating effect of any existing or proposed landscaping, fencing or other structures in the area, as well as the proximity of the communications tower to existing or proposed buildings or structures; and

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(iv) The needs and the desires of the citizens of the surrounding neighborhood and area for high-speed broadband capability, taking into consideration all wireless communications services and upload and download speeds provided by wireless carriers in the surrounding neighborhood and area.

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(Ord. 2007-561-E, § 2)

Sec. 656.1508. - Application requirements.

(a) Application fees. The fees contained within this Section are subject to the Annual Review of Fees provision found in Section 106.112, Ordinance Code. To the extent the said fees are

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inconsistent with, in contravention to, or in violation of, the Federal Telecommunications Act of 1996 and/or the Florida Wireless Emergency Communications Act of 2017, (citation), the same are void.

(1) Track I applications. The base application fee for review of an application to construct a Track I camouflaged tower shall be as found in www.coj.net/fees.

(2) Track II applications. The base application fee for review of an application to construct a non-Track I camouflaged tower or low impact/stealth tower shall be as found in www.coj.net/fees.

(3) Track III applications. The base application fee for review of an application to construct a conventional wireless tower shall be as found in www.coj.net/fees.

(4) Technical consultants. The City shall have the right to retain independent technical consultants and experts that it deems necessary to properly evaluate applications for individual wireless communication towers, at its sole cost and expense.

(b) Submittal information. Applications to construct a wireless communication tower shall contain the following information:

(1) The identity of the owner(s) of the proposed tower and the land on which the tower is to be located.

(2) The location of the proposed tower, including street address and parcel real estate number, as well as longitude and latitude coordinates;

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(3) A current zoning map showing the location of the proposed tower;

(4)

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(5) A scaled site plan clearly indicating the tower size, type and height, the location of any accessory buildings, on-site land uses and zoning, adjacent land uses and zoning, adjacent roadways, proposed means of access, distances from property lines, elevation drawings of the proposed tower, and any other proposed structures;

(6) Distance between the proposed tower and the nearest residentially zoned lands;

(7)

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Deleted: Distance between the proposed tower and the nearest boundary of any public park or environmentally sensitive lands located within two miles of the proposed tower;

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(8) A landscape plan showing specific landscape materials;

(9) The method of fencing, finished color and, if applicable, the method of aesthetic mitigation and illumination;

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(10) A map depicting (a) no more than one (1) existing wireless communication tower, within a one-half mile radius of the proposed tower, and (b) all of the applicant's proposed wireless communication towers within a one-half mile radius of the proposed tower that are currently in the permitting process.

Deleted: , and (c) all structures in excess of 80 feet that could reasonably support a wireless communication antenna and are located within the search ring of the proposed tower. The location of proposed towers currently in the permitting process may be obtained from the Coordinator;

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Commented [KM2]: This requirement is not feasible from a business perspective, and would cause a great deal of expense and delay. It is unworkable.

(11)

Deleted: Written evidence that there is no technologically and structurally suitable space available on commercially reasonable terms on an existing or proposed tower or structure within the search ring

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(12) Details of all proposed antennas and mounting equipment,

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including size and color;

(13) A design drawing including cross section and elevation of the proposed tower. A description of the tower's capacity, including the number and type of antennas it can;

(14)

(15) A photographic simulation of the proposed wireless communication facility in order to help the approving authority ascertain the visual impacts associated with such proposal. Where the tower does not meet the minimum setback requirements set forth in this Subpart, the applicant shall provide a view-shed analysis showing various angles from which the tower would be visible from the nearest boundary of said lands;

(16) Confirmation in the form of a copy of a lease or contract that the proposed tower will be used by at least one wireless communication service provider, redacting any financial or proprietary information;

(17)

(c) Conditions to issuance of final permit. Prior to issuance of the final permit authorizing construction of a proposed tower, the applicant shall submit written documentation to the Coordinator of the following:

(1) FCC license and registration numbers, if applicable;

(2) Evidence of compliance with Federal Aviation Administration requirements concerning the affect on navigable airspace, if

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Deleted: Certified statement from a licensed professional engineer attesting to the structural integrity of the tower and its ability to accommodate additional antennas

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1 applicable; and

2
3 (3) Confirmation in the form of a copy of a lease or contract that
4 the proposed tower will be used by at least one wireless
5 communication service provider, but redacting the identity of said
6 provider, as well as any financial or proprietary information.

7 (Ord. 2007-561-E, § 2; Ord. 2010-216-E, § 10; Ord. 2017-665-E, §
8 29)

9
10
11 Sec. 656.1509. - Tower Review Committee.

12
13 There is hereby established a committee to be known as the Tower
14 Review Committee ("TRC"). A waiver from the minimum setback and
15 separation requirements, waiver from the landscape requirements of
16 this Part 15, variance from the maximum height requirements for low
17 impact/stealth towers, variance from the maximum height and
18 projection requirements for side-mount and rooftop antennas,
19 variance from the other maximum height requirements in this Subpart
20 A, declaration that a proposed tower or antenna qualifies as either

21 a camouflaged or low impact/stealth tower or antenna, or waiver
22 for any other reason deemed in the best interests of the citizens
23 of the neighborhood and surrounding area of said proposed Tower,

24 may only be obtained from the Tower Review Committee. The Tower
25 Review Committee shall be composed of three members of the
26 appropriate committee of the City Council and two members of the
27 Commission. The Chairman of the appropriate committee of the City
28 Council shall appoint three members of that committee to serve on
29 the Tower Review Committee. The Chairman of the Commission shall
30 appoint two members of that commission to serve on the Tower Review
31 Committee. Each Tower Review Committee member shall serve for a

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term of one year or until his successor shall have been appointed. The term of each committee member shall be from July 1 to June 30 each year, and members may serve for additional consecutive terms. All Tower Review Committee members must remain members of the appropriate committee of the City Council or the Commission, as the case may be, during their entire term as a member of the Tower Review Committee. When the Tower Review Committee acts on an application for a waiver from the minimum setback and separation requirements, a waiver from the landscaping requirements of this Part 15, a variance from the maximum height requirements for low impact/stealth towers, a variance from the maximum height and projection requirements for side-mount and rooftop antennas, a variance from the other maximum height requirements in this Subpart A, or a declaration that a proposed tower or antenna constitutes an acceptable low impact/stealth or camouflage design, such action shall be deemed the final action of the City of Jacksonville as of the effective date of the final action by the Tower Review Committee.

(a) Public hearing. A public hearing shall be held by the Tower Review Committee to consider all applications for a waiver of the minimum setback and separation requirements of this Subpart A, a waiver from the landscaping requirements of this Part 15, a variance from the maximum height requirements for low impact/stealth towers, a variance from the maximum height and projection requirements for side-mount and rooftop antennas, a variance from the other maximum height requirements in this Subpart A, a declaration that a proposed tower or antenna qualifies as either a camouflaged or low impact/stealth tower or antenna, or waiver for any other reason deemed in the best interests of the citizens of the neighborhood and surrounding area of said proposed

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Twoer. Notice of the public hearing shall be given pursuant to the written notice and posting of sign requirements of Section 656.137(a), (c) and (d). No published advertisement shall be required.

The Department shall be responsible for making an advisory recommendation to the Tower Review Committee on each application for a waiver or variance. Said recommendation shall be in writing and furnished to the Tower Review Committee and the applicant at least three days prior to the scheduled hearing.

(b) Waiver and variance criteria. The Tower Review Committee may grant a waiver from the minimum setback and separation requirements of this Subpart A, a waiver from the landscaping requirements of this Part 15, a variance from the maximum height requirements for low impact/stealth towers, a variance from the maximum height and projections requirements for side-mount and rooftop antennas, a variance from the other maximum height requirements in this Subpart A, or waiver for any other reason deemed in the best interests of the citizens of the neighborhood and surrounding area of said proposed Twoer only upon proof that there are no less intrusive means for siting the tower or antenna to meet the coverage needs of a Wireless Communications Service Provider, or for any other reason as deemed appropriate by the Committee. This burden may only be met where the applicant proves, by a preponderance of the evidence, that the request meets the following standards and criteria, to the extent applicable:

(1) The location of existing uses, structures or other features on or adjacent to the property create a need for the waiver or variance;

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(2) The request is not based exclusively upon the desire to reduce the cost of developing the site or to circumvent the requirements or Chapter 656, Part 15, Subpart A (Wireless Communication Facilities);

(3) The proposed waiver or variance is the minimum necessary to address the need for the request;

(4) The proposed waiver or variance will reflect, to the greatest extent reasonably practicable, the physical character, massing, scale and architecture of the surrounding land uses;

(5) The proposed waiver or variance will not have a significant detrimental impact on adjacent property values;

(6) The proposed waiver or variance will be compatible with the existing contiguous uses or zoning, as well as the general character and aesthetics of the neighborhood or area, considering the design and height of the tower or antenna, the mitigating effect of any existing or proposed landscaping, fencing or other structures in the area, and for towers, the proximity of the tower to existing or proposed buildings or other structures, and similar factors;

(7) The proposed waiver or variance will work to meet the needs and the desires of the citizens of the surrounding neighborhood and area for high-speed broadband capability, taking into consideration all wireless communications services and upload and download speeds provided by wireless carriers in the surrounding neighborhood and area; or

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(8) The strict application of the requirements of this Section

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would constitute a substantial hardship to the applicant, which hardship is not self-created or self-imposed.

(c) Declaration criteria. The Tower Review Committee has already declared an initial list of approved camouflaged and low impact/stealth tower and antenna-mount designs. The Tower Review Committee may add to those lists by issuing a declaration that a proposed tower or antenna mount constitutes an acceptable camouflage or low impact/stealth design only upon proof of the following:

(1) The proposed design is consistent with the intent and purpose of this Section; and

(2) The proposed design does not detract from the physical character, massing, scale and architecture of the surrounding structures and land uses.

(d) Appeals. A final action under this subsection shall not be reviewed further by the City Council. Any person with standing may challenge a final action taken by the Tower Review Committee in whatever way authorized by federal or state law.

(e) Application fees. The application fee for a waiver, variance, or declaration of tower or antenna type under this Section shall be as found in www.coj.net/fees . The fees contained within this Section are subject to the Annual Review of Fees provision found in Section 106.112, Ordinance Code. To the extent the said fees are inconsistent with, in contravention to, or in violation of, the Federal Telecommunications Act of 1996 and/or the Florida Wireless Emergency Communications Act of 2017, (citation), or other State or

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1 Federal law, the same are void.

2
3 (Ord. 2007-561-E, § 2; Ord. 2010-216-E, § 10; Ord. 2010-613-E, § 1;
4 Ord. 2017-665-E, § 29)

5
6 Sec. 656.1510. - Wireless communication antennas.

7
8 The placement of a new wireless communication antenna on any public
9 structure within the City may be initiated only upon approval of an
10 application in accordance with the relevant procedures set forth in
11 this section; provided, however, "small cell antennas" to be
12 mounted on "City improvements" as those terms are defined in Part
13 4A, Ch. 711, Ordinance Code, shall be governed by Part 4A, Ch. 711,
14 Ordinance Code, and not by this Ch. 656, Ordinance Code.

15 Applications may be filed with the Coordinator by either the owner
16 of the structure upon which the proposed antenna is to be located,
17 his authorized agent, or the communications provider or his
18 authorized agent. Within ten working days of receipt of an

19 application, the Coordinator shall determine if the application
20 form has been fully completed and all required items submitted.
21 Upon making this determination, the Coordinator shall notify the
22 applicant, in writing, of the status of the application. If the
23 Coordinator determines that the application is incomplete, the
24 Coordinator shall advise the applicant of those items that need to
25 be submitted. If the Coordinator determines that the application is
26 complete, the Coordinator shall advise the applicant of the
27 estimated schedule for processing the application and projected
28 date for obtaining either an approval or denial of same. If the

29 Coordinator does not notify the Applicant on or before ten (10)
30 working days from the date of submission, the application is deemed
31 complete.

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1
2 (a) Collocation on existing wireless communication towers.
3 Applications for collocations on existing towers shall be filed as
4 part of the building permit application process and routed to the
5 Coordinator for review, which said approval or denial shall be
6 given on or before ten (10) business days of receipt. Upon proof of
7 compliance with the application requirements set forth in this
8 section, and proof that either the proposed communication antenna
9 is an approved low impact/stealth or camouflaged design pursuant to
10 Section 656.1509(c), Ordinance Code, or that the antenna is
11 consistent with the design or placement requirements that were in
12 effect at the time of the initial antennae placement approval, then
13 the Coordinator shall issue an order authorizing the placement of
14 the proposed collocation on an existing wireless communication
15 tower. If the Coordinator fails to issue said authorizing order or
16 denial of the same on or before ten (10) business days of receipt,
17 the application is deemed approved. The permitting of such a
18 collocation shall not abrogate the characterization of a tower as a
19 legally permitted nonconforming use, and the tower site's original
20 landscape plan shall remain in effect. Additionally, expansions of
21 the footprint of an existing wireless communication facility
22 compound to accommodate collocation shall not be deemed an
23 expansion of a nonconforming use; provided, however, that all
24 additional accessory equipment shall be landscaped pursuant to
25 Section 656.1512(c), or as otherwise determined by the Coordinator
26 so long as the visual impacts of the additional accessory equipment
27 are mitigated. Final orders issued by the Coordinator under this
28 section may be appealed to the Commission. When the Commission acts
29 on an appeal filed under this section, such action shall be deemed
30 the final action of the City as of the effective date of the final
31 action by the Commission. A final action under this section shall

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not be reviewed further by the City Council. Any person with standing may challenge a final action taken by the Commission in whatever way authorized by federal or state law.

(b) Administratively approved antennas. Except for a historic building, structure, site, object, or district, small cell antennas governed by Part 4A, Ch. 711, Ordinance Code, or a tower included in Section 656.1510(a), the Coordinator shall issue an order authorizing the placement of a communication antenna on an existing structure that meets the requirements set forth in subsections (1)-

(5) below.

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(1) The antenna does not increase the height of the existing structure to which the antennae are to be attached, measured to the highest point of any part of the structure or any existing antenna attached to the structure, by more than 15 feet;

(2) The antenna does not increase the area of the wireless communication facility, if any, approved in the site plan for equipment enclosures and ancillary facilities;

(3) The antennae, equipment enclosures, and ancillary facilities are of an appropriate camouflaged or low-impact/stealth design or are of a design consistent with the design of an initial antennae placed on the structure, if applicable; and

(4) There no technologically and structurally suitable manner on commercially reasonable terms to place the antenna on an existing structure within the search ring without increasing the height.

(5) Neither rooftop nor side-mount antennas shall be sited on any

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1 lot containing a single-family dwelling unit as the principal
2 structure without the express, written permission of the owner of
3 said real property.

4
5 (c) Public hearing for antennas. Those antennas that do not
6 satisfy the requirements set forth in Sections 656.1510(a) and
7 656.1510(b), or Part 4A, Ch. 711, Ordinance Code, shall be reviewed
8 by the Commission. Within seven days of notification from the
9 Coordinator that the application is complete, an application for an
10 antenna which is subject to a public hearing before the Commission,
11 shall be scheduled for review before the next meeting of the
12 Commission. When the Commission acts on an antenna application,
13 such action shall be deemed the final action of the City as of the
14 effective date of the final action by the Commission. A final
15 action under this Section shall not be reviewed further by the City
16 Council. Any person with standing may challenge a final action
17 taken by the Commission in whatever way authorized by federal or
18 state law. The Commission shall approve, deny or conditionally
19 approve an application for a wireless communication antenna based
20 upon its compliance with the applicable siting and design
21 standards, as follows:

22
23 (1) Low impact/stealth or camouflaged design rooftop antennas,
24 design approved pursuant to Section 656.1509(c) Ordinance Code, not
25 extending more than 25 feet above the roof line shall be permitted
26 in all zoning districts, subject to the antenna application
27 requirements set forth in this Subpart.

28
29 (2) Non low impact/stealth or noncamouflaged design rooftop
30 antennas not extending more than ten feet above the roof line shall
31 be permitted in all zoning districts, subject to the application

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requirements set forth in this Subpart.

(3) Side-mount antennas not projecting more than forty-eight (48) inches from the face of the structure shall be permitted in all zoning districts, subject to the application requirements set forth in this Subpart. Side-mount antennas shall be designed and placed so as to be architecturally and aesthetically compatible with the structure.

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(4) Neither rooftop nor side-mount antennas shall be sited on any lot containing a single-family dwelling unit as the principal structure, without the express, written permission of the real property owner.

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(d) Variance from side-mount and rooftop height and projection requirements on non-tower structures. A variance from the maximum height and projection requirements on non-tower structures set forth in this Subpart may only be obtained from the Tower Review Committee in accordance with the procedures and criteria set forth in Section 656.1509, Ordinance Code.

(e) Application requirements.

(1) Application fee. The application fee for review of an application to site a wireless communication antenna on an existing tower or structure shall be as found in www.coj.net/fees . To the extent the said fees are inconsistent with, in contravention to, or in violation of, the Federal Telecommunications Act of 1996 and/or the Florida Wireless Emergency Communications Act of 2017, (citation), or other State or Federal law, the same are void.

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(2) Submittal information. Applications to site a wireless communication antenna on an existing tower or structure shall contain the following information:

(i) The identity of the land upon which the antenna will be located;

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(ii)

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(iii) A site plan clearly indicating the antenna size, type and height, and the location of any accessory buildings;

(iv) A landscape plan showing specific landscape materials for accessory equipment located at ground-level;

(v) The method of fencing, finished color and, if applicable, the method of aesthetic mitigation and illumination.

(f) Notification. Upon approval of an application for a side-mount and rooftop antenna, the Coordinator shall notify the Jacksonville Sheriff's Office, Jacksonville Aviation Authority and Jacksonville Information Technology Division, and the District Council Member.

(Ord. 2007-561-E, § 2; Ord. 2010-216-E, § 10; Ord. 2011-732-E; Ord. 2016-113-E, § 1; Ord. 2017-665-E, § 29)

Sec. 656.1511. - Time Periods; automatic approval.

(a) The Coordinator shall grant or deny each properly completed application for a collocation in no case later than fourteen (14) business days after the date the application is determined to be properly completed by the Coordinator.

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(b) The Coordinator, Commission, Tower Review Committee or the City Council shall grant or deny each completed application for any other wireless communication facility in no case later than ~~thirty~~ (30) business days after the date the application is determined to be properly completed by the Coordinator.

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(c) If the Commission, Tower Review Committee or the City Council does not act within the time periods set forth in this Section, then the application for the collocation or wireless communication facility shall be deemed to be automatically approved.

(Ord. 2007-561-E, § 2)

Sec. 656.1512. - Performance standards.

In addition to the siting and design standards set forth in this Subpart, all wireless communication towers shall satisfy the following performance standards, except towers 50 feet or less and less than the maximum height allowed of a principle structure on the site per the Ch. 656 and meets the definition ~~and the design guidelines~~ for "small wireless facilities", as defined in Part 4, Ch. 711, Ordinance Code:

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(a) No advertising. The wireless communication tower shall not be used for any advertising purpose, including signage, designs or logos.

(b) Security wall or fence. A minimum eight-foot high finished masonry wall or wooden fence shall be required around all portions of noncamouflaged wireless communication tower sites visible from the public view. In industrial zoned sites, however, the fence may

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1 be a chain link fence or other type of security fence. For purposes
2 of this Section, a finished masonry wall includes, but is not
3 limited to, stucco, brick or any other decorative cover or finish.

4
5 (c) Landscaping. The visual impacts of wireless communication
6 tower sites shall be mitigated through the use of a landscaping
7 buffer outside the perimeter of the security fence or wall. The
8 landscape buffer shall be a minimum of ten feet on all sides
9 subject to and consisting of the following:

10
11 (1) A row of evergreen shade trees a minimum of 15 feet tall (at
12 the time of planting) with a four-inch caliper, spaced a maximum of
13 15 feet apart; and

14
15 (2) A row of evergreen shrubs such as viburnum , ligustrum , holly
16 or juniper, a minimum of four-feet tall (at the time of planting)
17 and potted in seven-gallon containers, planted four feet on center,
18 in order to maintain 80 percent opacity within one year of
19 planting.

20
21 (3)

22
23 (d) Illumination. No signals, lights or illumination shall be
24 permitted on any wireless communication tower, unless otherwise
25 required by the Federal Aviation Administration or such lighting or
26 illumination is part of the design of a camouflage scheme.

27
28 (e) Color. Noncamouflaged towers shall either have a dull gray or
29 galvanized finish or have a noncontrasting finish that minimizes
30 the visibility of the tower from public view, except where
31 contrasting color is required by federal or state regulation.

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Deleted: The landscaping buffer shall be properly maintained through an irrigation system.

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1
2 (f) Required signs. The security fence or wall surrounding the
3 tower site shall contain a sign, measuring no more than 30 inches
4 wide by 24 inches high, identifying the primary party responsible
5 for the operation and maintenance of the facility, the address and
6 telephone number of that party, the FCC registration and site
7 identification numbers of the tower and the street address of the
8 tower site, where applicable.

9
10 (g) Flags. One flag shall be allowed on each flag pole designed
11 camouflaged tower that is located within 1,000 feet of the
12 centerline of a designated interstate highway. This provision shall
13 also be applicable to all previously approved flag pole designed
14 camouflaged towers, notwithstanding any conditions to the contrary.
15 Prior to installing a flag on an existing pole designed camouflaged
16 tower as permitted herein, an applicant shall submit a building
17 permit application meeting the structural requirements of the
18 Building Inspection Division, and a copy to the Wireless
19 Communications Coordinator, for review and approval.

20 (Ord. 2007-561-E, § 2; Ord. 2010-613-E, § 1; Ord. 2012-168-E, § 1)

21
22 Sec. 656.1513. - Temporary towers.

23
24 Temporary antenna support facilities ("Cells on Wheels" or "COWS")
25 shall be permitted at a maximum height of 130 feet and for a period
26 not to exceed 90 days. Applications to permit a COW shall be filed
27 with the Coordinator and shall be granted upon payment of the
28 required application fee as found in www.coj.net/fees . The fees
29 contained within this Section are subject to the Annual Review of
30 Fees provision found in Section 106.112, Ordinance Code. To the
31 extent the said fees are inconsistent with, in contravention to, or

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1 in violation of, the Federal Telecommunications Act of 1996 and/or
2 the Florida Wireless Emergency Communications Act of 2017,
3 (citation), or other State or Federal law, the same are void.

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5 (Ord. 2007-561-E, § 2; Ord. 2010-216-E, § 10; Ord. 2017-665-E , §
6 29)

7
8 Sec. 656.1514. - Historic Landmarks, Historic Districts and
9 Neighborhood Conservation Districts.

10
11 To the extent the said provisions of this said Section 656.1514 are
12 inconsistent with, in contravention to, or in violation of, the
13 Federal Telecommunications Act of 1996 and/or any other Federal law
14 or rule or regulation of the Federal Communications Commission,
15 the same are void.

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16
17 A wireless communication tower may only be located in an Historic
18 District if it is a camouflaged tower or the tower is 50 feet or
19 less and meets the definition and the design guidelines for "small
20 wireless facilities", as defined in Part 4, Ch. 711, Ordinance
21 Code. Applications to site a camouflaged tower or place a wireless
22 communication antenna in a Historic District will not be processed
23 until such time as the applicant has obtained a Certificate of
24 Appropriateness, pursuant to Chapter 307, Ordinance Code.

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25 Any alteration made to an historical structure to accommodate the
26 siting of a wireless communication antenna shall be fully
27 reversible.

28 (Ord. 2007-561-E, § 2)

29 ***