

compliance with such notice, such Facilities may be removed by order of the Department Director and the cost of removal shall be borne and paid by the Communications Services Provider upon demand.

(4) Underground. The Placement or Maintenance of all Communications Facilities shall be underground unless otherwise approved in writing by the Department Director. Communications Facilities shall be placed between the property line and the curb line of all streets and avenues and shall not be within the roadway or the roadway recovery area unless specifically approved in writing by the Department Director. All Communications Facilities shall have consistent alignment parallel with the edge of pavement, a thirty-six-inch (36") depth of cover for and shall have two (2) feet of horizontal clearance from other underground utilities and their appurtenances. Where approved by the Department Director, Communications Facilities to be placed in the street shall be laid according to the permanent grade of the street and at a depth below the surface of the permanent grade as each is determined by the Department Director.

(5) Above-Ground Approval. The Placement or Maintenance of Communications Facilities above-ground, including new poles and aerial wires, is subject to written approval by the Department Director. Attachment to any pole or other above-ground structure must be pursuant to a separate valid and effective pole attachment agreement or similar instrument. Location on any pole or other above-ground structure shall not be considered a vested interest of the Communications Services Provider, and such poles or structures, if owned by the Communications Services Provider, shall be removed or modified by the Communications Services Provider at its own expense whenever the City or other governmental authority determines that the public convenience would be enhanced thereby. The lowest placement of any Communications Facility on any pole or other above-ground structure in the Public Rights-of-Way shall not be less than eighteen (18) feet from the ground. The Communications Services Provider shall, at such time as the electric utility facilities or other Communications Facilities are placed underground or are required by the City to be placed underground, concurrently place its Communications Facilities underground without cost to the City.

(a) New Utility Poles, where permitted, shall be placed between the property line and the curb line of all streets and shall not be within the roadway recovery area. The lowest wire on any of such poles, placed in any Public Rights-of-Way open to vehicular, bicycle, and/or pedestrian traffic shall not be less than eighteen (18) feet from the ground and, whenever telephone and electric power wires cross each other, wires shall cross and be maintained in accordance with the National Electrical Code,

the National Electrical Safety Code and the “Safety Rules for the Installation and Maintenance of Electrical Supply and Communication Lines” established by the Department of Commerce, Bureau of Standards of the United States, as may be amended.

(b) New Utility Poles, where permitted, shall be made of the similar design, material, and color as other Utility Poles within the same Public Rights-of-Way; however, black enamel/paint-clad metal or concrete poles, are preferred.

(c) New Utility Poles, where permitted, shall be located at least twenty (20) feet from the edge of the drip line of existing shade, conifer, or large ornamental species trees located in the Public Rights-of-Way or on private property.

(d) Replacement Utility Poles shall be of similar design, material, and color of the existing Utility Pole being replaced; however, black enamel/paint-clad metal or concrete poles, are preferred. The replacement Utility Pole shall be located in approximately the same location as the existing pole. The replacement Utility Pole shall continue to serve its primary function. If the City has a planned future project to replace Utility Poles in the subject Public Rights-of-Way, the replacement Utility Poles proposed in the Application shall conform to the City’s updated design, material, and color.

(6) General Stealth Design requirements for Communications Facilities within Public Rights-of-Way.

(a) Antennae(s) shall be slim design and shall not exceed the diameter of the pole at the point of attachment to which it/they are attached;

(b) Electric meters and disconnect switches may be mounted on the exterior of the pole and shall be concealed with use of Shrouds that are similar to the pole color and texture;

(c) To the maximum extent possible, exposed wires, cables, conduits, and other electronic or mechanical attachments shall be placed internal to the pole or concealed with use of a Shroud or Wrap that is similar to the color and texture of the pole;

(d) Other components, such as back-haul or cooling equipment, where housed above-ground, shall be placed within a cabinet, box, or other container that is concealed with a Wrap or Shroud that is similar to the pole

color or includes other imagery in context with the location of equipment (i.e., imagery of vegetation, architectural/geometrical patterns, or equivalent);

(e) Aerial electrical power and fiber connections for new Communications Facilities are not permitted where the majority of utilities have been under-grounded; and

(f) The use of wooden poles for Placement or Maintenance of new Communications Facilities is prohibited.

(7) Placement in relation to adjacent uses of property and building facades. Where parking and/or loading spaces are not permitted between a building façade and the corresponding property line (i.e., front façade and front property line, side street façade and side street property line), or such spaces do not exist in those locations on existing properties, new Communications Facilities and new Utility Poles shall be placed in-line with the common, interior side lot lines and shall not be placed in-line with the front/principal façade of a residence, place of business, or any other principal use building, as defined in this Code.

(8) Location context. A proposed Communications Facility shall utilize the following location context requirements:

(a) Installation at outermost boundary of Public Rights-of-Way. At-grade Communications Facilities, Utility Poles, and Wireless Support Structures shall be placed at the farthest distance practicable from the edge of pavement unless the proposed type of Facility has a designated corridor within the Public Rights-of-Way.

(b) Equidistant requirement. Utility Poles and Wireless Support Structures shall be placed equidistant between existing Utility Poles or Wireless Support Structures, if any, within the Public Rights-of-Way; provided that, this requirement shall not limit the placement of Small Wireless Facilities by imposing minimum separation distances.

(c) Common property line. For Placement within residential blocks, Utility Poles shall be placed at the common property line of the parcels that abut the Public Rights-of-Way.

(d) Prohibition against Placement that significantly impairs view from principal structures within residential blocks. At-grade Communications Facilities, Utility Poles, and Wireless Support Structures

shall be located such that views from principal structures within residential blocks are not significantly impaired.

(e) Prohibition against Placement within a location subject to homeowners' association restrictions. Wireless Support Structures shall not be placed in a location subject to covenants, restrictions, articles of incorporation, or bylaws of a homeowners' association unless specifically authorized by the homeowners' association.

(f) Prohibition against Placement in location where Facilities are placed underground. At-grade Communications Facilities, Wireline Facilities, and Utility Poles in the Public Rights-of-Way shall comply with nondiscriminatory undergrounding requirements of the City that prohibit aboveground structures in the Public Rights-of-Way.

(9) Grounding rods and pull boxes. The grounding rod may not extend above the top of sidewalk and must be placed in a pull box, and the ground wire between the pole and ground rod must be inside an underground conduit. All pull boxes shall be vehicle load bearing, comply with FDOT Standard specification 635, and be listed on the FDOT Approved Products List. A concrete pad shall be installed around all pull boxes not located in the sidewalk. No new or replacement pull boxes shall be located in pedestrian ramps.

(10) Other associated ground-mounted facilities and equipment. Ground-mounted equipment for Small Wireless Facilities shall be located within a ten (10) foot radius of the Utility Pole supporting such Facility and, if possible, in areas with existing foliage or other aesthetic features to obscure the view of the ground-mounted equipment. The ground-mounted equipment shall use Wrap that is similar to the pole color. If the City has a planned future project to replace Facilities or equipment in the subject Public Rights-of-Way, the replacement Facilities or equipment proposed in the Application shall conform to the City's updated design, material, and color.

(11) Signs. No signs shall be permitted on or attached to Communications Facilities or Utility Poles in Public Rights-of-Way, unless otherwise required by Federal or State law. Any Existing Structure or Facility that lawfully supports signs on the effective date of this Ordinance may continue to support such signs, as otherwise permitted by City code or State or Federal law, as may be amended.

(12) Separation from driveways and hydrants. Communications Facilities and Utility Poles shall be located at least ten (10) feet from a driveway apron and at least thirty (30) feet from a fire hydrant.

(13) Additional Placement and Maintenance Standards. The Placement or Maintenance of Communications Facilities in the Public Rights-of-Way shall be performed in accordance with the standards and requirements of the following, as is applicable and as each is in force at the time of the respective Placement or Maintenance of a Communications System or Facility:

(a) the Florida Department of Transportation Utilities Accommodation Guide;

(b) the State of Florida Manual of Uniform Minimum Standards for Design Construction and Maintenance for Streets and Highways;

(c) the Trench Safety Act (Chapter 553, Florida Statutes);

(d) the Underground Facility Damage Prevention and Safety Act (Chapter 556, Florida Statutes);

(e) the National Electrical Code or the ANSI National Electrical Safety Code; and

(f) the “Safety Rules for the Installation and Maintenance of Electrical Supply and Communication Lines” established by the Department of Commerce, Bureau of Standards of the United States.

(14) Sunshine State One-Call. Every Communications Services Provider shall utilize and, if permissible, maintain membership in the utility notification one-call system administered by Sunshine State One-Call of Florida, Inc.

(15) Sufficiency of space. An Application for a permit for Placement of Communications Facilities is also subject to the City’s consideration of the following standards and minimum requirements regarding present and future use of the Public Rights-of-Way:

(a) Sufficiency of space to accommodate present and pending Applications for use of the Public Rights-of-Way. The sufficiency of space to accommodate all of the present and pending Applications to place Wireless Support Structures, Utility Poles, and other at-grade and below-grade structures within the subject area of the Public Rights-of-way;