

Chapter 17.5 - COMMUNICATIONS^[1]

Footnotes:

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Cross reference— Buildings and construction regulations, § 5-1 et seq.; land development regulations, § 7.5-1 et seq.; streets and sidewalks, § 15-1 et seq. ; subdivisions, § 16-1 et seq.; zoning, § 21-1 et seq.

ARTICLE I. - IN GENERAL

Sec. 17.5-1. - Legislative findings, intent and purpose.

- (1) The general purpose is to regulate the placement, construction and modification of communication towers and telecommunications facilities in order to protect the health, safety and welfare of the public, while at the same time not unreasonably interfering with the development of the competitive wireless telecommunications marketplace in Maitland, Florida.
- (2) The City of Maitland has on numerous occasions and with increasing frequency been confronted with requests to site communications towers. Prior to the adoption of this chapter, no specific procedures existed to address recurrent issues related to siting communication towers. Accordingly, the city council of the City of Maitland finds that the promulgation of this chapter is warranted and necessary:
 - (a) To direct the location of communication towers in the city;
 - (b) To protect residential areas and other land uses from potential adverse impacts of communication towers and facilities;
 - (c) To consider the public health and safety effects of communication towers;
 - (d) To ensure that communication towers and telecommunications facilities are compatible with surrounding land uses;
 - (e) To minimize adverse visual impacts of communication towers through careful design, siting, landscape screening, and innovative camouflaging techniques;
 - (f) To accommodate the growing need for communication towers;
 - (g) To promote and encourage shared use/co-location of existing and new communication towers as a primary option rather than construction of additional single-use towers;
 - (h) To encourage the location of communication towers in non-residential areas and to enhance the installation of camouflage or stealth communications towers;
 - (i) To avoid potential damage to adjacent properties from communication tower failure through engineering and careful siting of communication tower structures.
 - (j) To promote and encourage utilization of technological designs that will either eliminate or reduce the need for the erection of new communication towers to support antennas and telecommunications facilities;
 - (k) To enhance the ability of the providers of telecommunication services to provide such services to the community quickly, effectively and efficiently.

(Ord. No. 942, § 1, 3-9-98)

Sec. 17.5-2. - Definitions.

As used in this chapter, the following terms shall have the meanings set forth below:

- (1) *Antenna*: Any exterior transmitting or receiving device mounted on a communication tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunication signals or other communication signals. (For purposes of this chapter, the term "antenna" does not include any device designed for over the air reception of radio or television broadcast signals or multi-channel, multi-point distribution service).
- (2) *Antenna support structure*: Any building or other structure other than a communication tower which can be used for the location of telecommunications facilities.
- (3) *Applicant*: Any person that applies for a communication tower development permit.
- (4) *Application*: All written documentation, verbal statements and representations made by an applicant to the city concerning a request to develop, construct, build, modify or erect a communication tower and telecommunications facilities upon such property.
- (5) *Camouflage or stealth tower structure* means a communication tower or antenna designed to merge and blend into and conform in appearance with existing surroundings. An example of a camouflage tower would be a communication tower that is constructed in the form and shape of a tree in order to be part of a forested area or a communication tower constructed to appear to be or to actually be a component of a bell tower or to be constructed to be or to appear to be a component of a church steeple or flagpole in order for the communication tower to be or appear to be part of these more aesthetically pleasing structures. An example of a camouflaged or stealth antenna would be an antenna with a color and appearance similar to a wall of a building or structure on which it is to be affixed, or an antenna located inside or on top of an existing structure such as an existing church steeple or an existing light pole.
- (6) *Co-location*: The ability and right of two (2) or more different service providers (carriers) to place communication antennas on one communication tower.
- (7) *Communication tower* means a building mounted or ground mounted tower which supports communication (transmission or receiving) equipment for telephone, radio, television, microwave, cellular and similar communications purposes. The term communication tower shall mean monopole or camouflaged towers only. The term includes radio and television towers, cellular telephone towers, camouflaged or stealth communication towers. The term includes the structure and any support thereto. The term communication tower shall not include amateur radio operators' equipment, licensed by Federal Communications Commission (FCC).
- (8) *FAA*: Federal Aviation Administration.
- (9) *FCC*: Federal Communications Commission.
- (10) *Monopole tower*: The communication tower consisting of a single pole or spire self-supported by a permanent foundation and constructed without guy wires and ground anchors.
- (11) *Service provider*: Any individual or entity which locates a communication antenna on a communication tower.
- (12) *Existing Structures*: Any lawfully constructed manmade structure including but not limited to communication towers, buildings, utility structures, light poles, clock towers, bell towers, steeples, water towers and the like, which allow for the attachment of antennae.
- (13) *Search ring*: A geographic area in which a provider's antenna is intended to be located to serve the provider's coverage area.

(Ord. No. 942, § 1, 3-9-98; Ord. No. 991, § 1, 1-24-00)

ARTICLE II. - APPLICABILITY

Sec. 17.5-3. - Application to communication antennas and towers.

- (1) Status of existing communication towers. All legally existing communication towers existing prior to the effective date of this chapter shall be subject to the provisions of section 21-5 (I) of the Code of the City of Maitland. Routine maintenance shall be permitted on such existing communication towers. New construction consisting of any enlargement or enhancement of the facility, other than routine maintenance on an existing communication tower, shall comply with the requirements of this section. All existing communication towers shall be subject to section 17.5-17, Abandonment.
- (2) All new communication towers and communication antennas in the City of Maitland shall be subject to Chapter 17.5 of the Code of the City of Maitland and all other applicable regulations.
- (3) All new communication antennas which are not attached to communication towers shall comply with section 17.5-8 or 17.5-9.
- (4) Amateur radio and two-way private communication towers. This chapter shall not govern any tower or antennas less than seventy (70) feet in height that is owned and operated by a federally licensed amateur radio station operator.

(Ord. No. 942, § 1, 3-9-98)

ARTICLE III. - COMMUNICATION TOWERS PROHIBITED IN CERTAIN ZONING DISTRICTS

Sec. 17.5-4. - Communication tower prohibitions.

Communication towers shall be prohibited in the following zoning districts, except as provided by section 17.5-11(h) or by this chapter: RS-1, RS-1A, RS-2, RS-3, RS-4, RS-D, RG-1, RG-2, RG-3, CC, PD (residential), property assigned a non-residential PD zoning classification or nonresidential future land use designation located in the Maitland Boulevard corridor, east of I-4, west of Maitland Avenue, and north of Sandspur Road.

(Ord. No. 942, § 1, 3-9-98)

ARTICLE IV. - CONSTRUCTION AND PLACEMENT STANDARDS

Sec. 17.5-5. - Communication tower separation requirements.

For the purposes of measurement, communication tower setbacks as listed in section 17.5-6 and separation distances as listed in this section shall be calculated and applied to facilities located in the City of Maitland irrespective of municipal and county jurisdictional boundaries.

- (1) Communication tower separation shall be measured from the base of the existing or approved communication tower to the nearest property line of off-site uses and/or designated areas as specified in the table set forth below.
- (2) Communication tower separation from off-site uses/designated areas: Separation of towers from adjacent property shall comply with the following:

Minimum Separation Distances From Adjacent Uses

Adjacent Off-Site Uses	Separation Distance
<p>Communication Towers:</p> <p>Property assigned a single-family (includes modular and mobile homes)</p>	<p>300 feet or a distance equal to 300% of the height of the proposed communication tower, whichever is greater, except when a permitted conditional use is granted based upon findings that; either the aesthetic impact of the</p>

<p>used for living purposes), duplex, or multi-family residential zoning classification or future land use designation as follows:</p> <p>(RS-1, RS-1A, RS-2, RS-3, RS-4, RS-D, RG-1, RG-2, RG-3, CC, PD (residential))</p> <p>-or-</p> <p>Property assigned a non-residential PD zoning classification or future land use designation located in the Maitland Boulevard Corridor east of 1-4, west of Maitland Avenue and north of Sandspur Road.</p>	<p>communication tower is enhanced; or the communication tower is constructed as a camouflage communication tower; that compatibility with abutting property owners is maintained, and the approval of the communication tower would be consistent with and further the provisions of section 17.5.</p>
<p>Property assigned a non-residential zoning classification or future land use designation or property with an existing non-residential use.</p>	<p>Determined by district setbacks (except property with non-residential uses located in residential zoning districts RS-1, RS-1A, RS-2, RS-3, RS-4, RS-D, RG-1, RG-2, RG-3, CC, PD (residential), property assigned a non-residential PD zoning classification or nonresidential future land use designation located in the Maitland Boulevard Corridor, east of I-4, west of Maitland Avenue and north of Sandspur Road which will be subject to separation distances listed above).</p>

- (3) Proposed communication towers must meet the following minimum separation requirements from existing communication towers or communication towers that have received City of Maitland land use or building permit approval prior to adoption of this chapter; provided, however, that the Maitland City Council, after receiving recommendations from the planning and zoning commission may reduce the required separation distances between towers by up to ten (10) percent if the applicant demonstrates good cause for such reduction in distancing requirements between communication towers. Any request to reduce the minimum separation requirements shall be pursuant to the Permitted Conditional Use Process as provided by section 17.5-11 of this chapter. The separation distances shall be measured by drawing or following a straight line between the base of the existing communication tower and the base,