

**ORDINANCE NO.: 1731-18**

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**SECTION SIX.** Effective Date. This Ordinance shall become effective immediately after passage. ....71

**ORDINANCE NO.: 1731-18**

**AN ORDINANCE OF THE CITY OF ALTAMONTE SPRINGS, FLORIDA, RELATING TO COMMUNICATION FACILITIES; DELETING REGULATIONS FOR WIRELESS COMMUNICATION FACILITIES AND CREATING NEW COMMUNICATION FACILITY REGULATIONS; AMENDING THE CODE OF ORDINANCES, CHAPTER 28, "LAND DEVELOPMENT CODE," BY AMENDING ARTICLE I, "GENERAL PROVISIONS," SECTION 1.2.1, "DEFINITIONS," TO REVISE, ADD AND DELETE DEFINITIONS RELATED TO COMMUNICATION FACILITIES; BY AMENDING ARTICLE III, "ZONING REGULATIONS," TO RENAME DIVISION 40 FROM "COMMUNICATION TOWER, COMMUNICATION ANTENNA, AND WIRELESS FACILITY REGULATIONS," TO "COMMUNICATION TOWER AND ANTENNA REGULATIONS," AND TO DELETE REVIEW PROCEDURES AND REQUIREMENTS FOR WIRELESS COMMUNICATION FACILITIES; BY AMENDING ARTICLE X, "RIGHT-OF-WAY UTILIZATION," TO INCLUDE DEFINITIONS AND REGULATIONS FOR THE SITING, DESIGN, LOCATION, AND ABANDONMENT OF COMMUNICATION FACILITIES IN PUBLIC RIGHTS-OF-WAY AND TO ADD WAIVER PROCEDURES FOR RIGHT-OF-WAY UTILIZATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, advances in telecommunications infrastructure have been developed which help to meet wireless system capacity demands in dense areas through the deployment of localized networks of antennas; and

**WHEREAS**, it is in the best interests of the citizens, business, and visitors in Altamonte Springs to ensure there is sufficient wireless communication service; and

**WHEREAS**, to promote the public health, safety, aesthetics, and general welfare, the City of Altamonte Springs has a substantial interest in maintaining and protecting its public rights-of-way in a non-discriminatory manner, and requiring that individuals and entities seeking permits to conduct any type of excavation, construction or other activity therein do so in a safe, expeditious, and professional manner; and

**WHEREAS**, such public interest extends to protecting, preserving and maintaining the health, safety and welfare of the users of the public rights-of-way, while also protecting, preserving and maintaining the aesthetic character of areas where such rights-of-way exist; and

**WHEREAS**, this Ordinance accommodates the growing need and demand for communication services; and

**WHEREAS**, this Ordinance seeks to minimize visual and other impacts of communication facilities on surrounding areas by establishing standards for location, design, landscape screening, and compatibility consistent with the allowances of federal and state law; and

**WHEREAS**, the intent of this Ordinance is to promote the public health, safety, aesthetics, and general welfare of the city by providing for the placement or maintenance of communication facilities in public rights-of-way; and

**WHEREAS**, the Emergency Communications Number E911 Act, Chapter 365, Florida Statutes, (the "E911 Act") addresses, *inter alia*, local governments' regulation of the placement, construction or modification of wireless communications facilities; and

**WHEREAS**, the E911 Act establishes parameters for the regulation of communications facilities, and allows local governments to review any applicable land development or zoning issue addressed, including, but not limited to, aesthetics, landscaping, land use based location priorities, structural design, and setbacks; and

**WHEREAS**, local governments having jurisdiction and control of public roads are authorized to prescribe and enforce reasonable rules or regulations with reference to the placing and maintaining across, on, or within the right-of-way of any road any electric transmission, voice, telegraph, data, or other communications services lines or wireless facilities; pole lines; poles or other structures defined as a "utility" pursuant to chapter 337, Florida Statutes as may be amended; and

**WHEREAS**, the Florida Legislature has adopted the Advanced Wireless Infrastructure Deployment Act of 2017 (the "Wireless Act") codified at Florida Statute §337.401(7), which places certain limitations on local government authority to regulate small or micro wireless communications facilities within the public right-of-way; and

**WHEREAS**, the Wireless Act authorizes, *inter alia*, cities to adopt objective design standards that may require wireless facilities in the right-of-way to meet reasonable location context, color, stealth, and concealment requirements, and spacing and location requirements for ground-mounted equipment; and

**WHEREAS**, passage of the Wireless Act necessitate that the City amend its Land Development Code to comply with Florida Statutes; and

**WHEREAS**, both statutes authorize regulations of communications facilities in the public rights-of-way that are related to the placement or maintenance of facilities in the public rights-of-way, are reasonable and non-discriminatory, and are necessary to the management of the public rights-of-way; and

**WHEREAS**, courts applying Florida and federal law have held that a municipality may impose reasonable design limitations on communications facilities that deal directly with a concern for aesthetics and may regulate the placement of wireless facilities where such regulation does not prohibit or effectively prohibit the provision of wireless services; and

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

**WHEREAS**, at a special call meeting of June 27, 2018, the Planning Board recommended to the City Commission of Altamonte Springs, Florida (the "City Commission"), that the provisions of this ordinance are consistent with the applicable provisions of the City's adopted comprehensive plan, are in the best interest of the public health, safety, and welfare, are in harmony with the purpose and intent of the City's Land Development Code, and will not result in disorderly and incompatible land uses; and

**WHEREAS**, the City Commission of the City of Altamonte Springs finds that this Ordinance promotes the general welfare and is in the best interests of the citizenry of Altamonte Springs and the general public.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF ALTAMONTE SPRINGS, as follows:**

**SECTION ONE.** City Code of Ordinances, Chapter 28, "Land Development Code," Article I, "General Provisions," Section 1.2.1, "Definitions," is hereby amended to revise or delete the following definitions, which definitions shall be codified alphabetically into the existing definitions set forth in said Section:

**ARTICLE I. GENERAL PROVISIONS**

\* \* \*

**1.2.1 Definitions.**

\* \* \*

*Collocation Co-location.* The situation in which a second or subsequent wireless communications services provider or a pass-through provider uses an existing structure to locate a second or subsequent antenna. The term includes the ground, platform, or roof installation of equipment enclosures, cabinets, or buildings, and cables, brackets, and other equipment associated with the location and operation of the antenna. (F.S. § 365.172(2)(f)). This definition is used in article III, division 40 of this Code.

*Communication tower.* Any structure A tower greater than 35 feet in height (including antenna) built for the sole or primary purpose of supporting any Federal Communications Commission (FCC) licensed antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site. (47 C.F.R. § 1.40001(b)). The term communication tower shall not include amateur radio operators' equipment, as licensed by the Federal Communications Commission (FCC). No tower shall exceed 200 feet in height (including antenna) when freestanding, or 40 percent over the building height, when placed on top of buildings. Communication towers permitted in the city are generally described as either monopole (freestanding) or self-supporting lattice (square, triangular or pyramidal in plan view and constructed of steel lattice). For purposes of this definition, the term shall not include wireless communication facility support structures. The term is inclusive of "wireless support structure" as defined in article X of this Code.

~~*Parkway strip.* The unpaved portion of the right-of-way between the back of curb and the sidewalk. The parkway strip typically includes street light poles and lights, utility poles, regulatory signage, traffic signal equipment and street trees. In some instances, a streetscape zone may not have a parkway strip.~~

~~*Pedestrian clear zone.* The unencumbered paved, or sidewalk portion of the streetscape zone inside the right-of-way. The pedestrian clear zone may or may not be separated from the travel lane by a street furniture zone or parkway strip.~~

~~*Right-of-way.* Land in which the state, a county, or a municipality owns the fee simple title or has an easement devoted to dedicated or required for use as a transportation facility. (F.S. § 334.03(21)). primarily for a transportation related use. A right-of-way may also contain include sidewalks, drainage, and utility improvements.~~

~~*Street furniture zone.* The paved portion of the streetscape zone typically located between the back of curb and the sidewalk. The street furniture zone typically includes street light poles and lights, utility poles, regulatory signage, traffic signal equipment and street trees. In some cases, a streetscape zone may not have a furniture zone.~~

~~*Streetscape zone.* The portion of a street between the back of curb and the adjacent property lines, consisting of a sidewalk and a parkway strip or a street furniture zone.~~

~~*Utility pole.* Any pole or structure utilized for electric, telephone, cable television, street lights, other lighting standards, or comparable standards.~~

~~*Wireless communication facility.* Any equipment or facility used for the transmission or reception of wireless communications. This term includes but is not limited to wireless support structures, antennas, cabling, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including distributed antenna systems ("DAS") and small cell networks). For purposes of this definition, the term shall not include communication towers.~~

**SECTION TWO.** City Code of Ordinances, Chapter 28, "Land Development Code," Article III, "Zoning Regulations," Division 40, "Communication Tower, Communication Antenna, and Wireless Communication Facility Regulations," is hereby renamed to "Communication Tower and Antenna Regulations," and amended to read as follows:

### **ARTICLE III. ZONING REGULATIONS**

\* \* \*



**DIVISION 40. COMMUNICATION TOWER, COMMUNICATION AND ANTENNA, AND  
WIRELESS COMMUNICATION FACILITY REGULATIONS**

**3.40.1 Purpose and intent.**

The regulations and requirements set forth herein are adopted for the following purposes:

- (a) To provide for the location of communication towers, and communication antennas, ~~and wireless communication facilities~~ within the City city of Altamonte Springs;
- (b) To protect residential areas and land uses from potential adverse impacts of communication towers, and antennas, ~~and wireless communication facilities~~;
- (c) To minimize adverse visual impacts of communication towers, and antennas, ~~and wireless communication facilities~~ through careful design, siting, landscape screening, and innovative camouflaging techniques;
- (d) To accommodate the growing need for wireless communications which rely upon communication towers, and antennas, ~~and wireless communication facilities~~;
- (e) To promote and encourage shared use/collocation ~~co-location~~ of existing and new communication towers ~~and wireless communication facilities~~ as a primary option rather than construction of additional single-use towers ~~and facilities~~;
- (f) To promote the public health, safety, aesthetics and general welfare of the city by providing for the placement or maintenance of communication towers, and antennas, ~~and wireless communication facilities~~ on privately-owned and publicly-owned non-right-of-way property within the city;
- (g) ~~To promote the public health, safety, aesthetics, and general welfare of the city by providing for the placement or maintenance of wireless communication facilities on private and public property and in public rights-of-way and public easements within the city;~~
- (h) ~~To avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures;~~
- (i) To adopt and administer rules and regulations not inconsistent with state and federal law, the City's home-rule authority, and in accordance with the provisions of the Federal Telecommunications Act of 1996 and other federal and state law; ~~establishing reasonable rules and regulations necessary to manage the placement or maintenance of wireless communications facilities in the public rights-of-way by all communications services providers; and minimizing disruption to the public rights-of-way.~~
- (j) ~~To promote safe conditions in the public right-of-way for users in all modes of transportation, to include pedestrians, bicycles, and vehicles.~~

**3.40.2 Applicability.**

- (a) All communication towers, and communication antennas, ~~and wireless communication facilities~~, as defined in article I, located within the City city of Altamonte Springs shall be subject to these regulations and all other applicable regulations, ~~including those located on privately owned and publicly owned property, in city, county, or state public rights of way, and in public easements within the corporate limits of the city of Altamonte Springs.~~
- (b) For purposes of measurement, setbacks and separation distances shall be calculated and applied irrespective of municipal and county jurisdictional boundaries.
- (c) All communication towers legally existing on July 2, 1996 (the effective date of this division) shall be considered permitted uses, allowed to continue their usage as they presently exist; provided however, anything other than routine maintenance, including without limitation, structural modifications including provisions for additional antennas or additional providers and/or new construction on an existing communication tower, shall comply with the requirements of section 3.40.4.1, performance and construction standards for communication towers, with the exception of separation distances. Routine maintenance shall be permitted on such existing towers.
- (d) ~~All wireless communication facilities that were legally permitted on or before May 2, 2017 (the effective date of the wireless communication facility regulations of this division) shall be considered permitted uses, allowed to continue their usage as they presently exist. Existing installations that were legally permitted but which do not comply with the requirements of this division shall be considered legally non-conforming.~~
- (e) ~~The following shall be exempt from the requirements of this division:~~
  - (1) All government-owned communication towers with public safety systems or equipment shall be exempt from the requirements of this division 40.
  - (2) Amateur radio operators' equipment, as licensed by the Federal Communications Commission.
  - (3) Communication towers used solely for private-use dispatch purposes up to 35 feet in height.
  - (4) Any device for over-the-air reception of television broadcast signals, multi-channel multi-point distribution service, or direct broadcast satellite service.
  - (5) Communications facilities located in city public rights-of-way that are eligible for permitting pursuant to article X.
- (e) ~~All city-owned communication towers, communication antennas, or wireless communication facilities shall be exempt from the requirements of this division 40.~~

### 3.40.3 Communication antennas.

(a) Communication antennas may locate on existing communication towers, water towers, or buildings (~~as defined in article I~~). In all cases, the communication antenna shall comply with this division, all applicable FCC regulations, building codes, and fire codes.

(~~a~~b) Any communication antenna which is not attached to a communication tower or water tower shall be permitted to be located on a commercial, industrial, office, institutional, or multi-family building, provided that:

(1) The building height (as defined in article I) is at least 20 feet.

(2) The communication antenna does not exceed ten (10) ~~five (5)~~ feet above the highest point of the building for buildings up to 50 feet in height, and twenty (20) feet above the highest point of the building for buildings greater than 50 feet in height. When located on or above the roof, antennas shall be set back at least ten feet from the edge of the building.

(3) The communication antenna and related hardware and equipment is painted to match the color of the building.

(4) The communication antenna and related equipment complies with applicable design guideline requirements when located in activity centers.

(~~b~~e) Utility poles and electric/power transmission line structures ~~towers~~ shall not be considered buildings or structures upon which communication antennas are permitted to be located pursuant to this division. ~~section. Refer to section 3.40.6, wireless communication facilities, for the requirements for antennas located on utility poles and other types of support structures. Refer to article X for the requirements for the placement of wireless facilities on utility poles in public rights-of-way.~~

### 3.40.4 Communication towers.

New freestanding communication towers shall not be allowed unless the applicant:

(a) Secures a waiver, pursuant to section 3.4.12 of the Land Development Code ~~land development code~~, upon an affirmative showing:

(1) That existing towers and buildings do not technologically afford the applicant the ability to provide service to the service area of the applicant or service provider; and

(2) That the geographical boundaries of the proposed service area cannot technologically be bifurcated to avoid the necessity for a freestanding tower; and

(b) Secures a conditional use approval, pursuant to section 3.4.3.4 of the Land Development Code ~~land development code~~, to place the communication tower within one of the following zoning categories:

(1) IN Institutional

- (2) MOI-1 Mixed Office Industrial-1
- (3) I-L Very Light Industrial
- (4) MUD Multi-Use Development

3.40.4.1 *Performance and construction standards for communication towers.*

- (a) *Structural design.* New communication towers and modifications to existing structures including, without limitation, the addition of height, antennas or providers, shall be constructed in accordance with all city building codes.
- (b) *Setbacks.*
  - (1) Communication tower setbacks shall be measured from the base of the tower, or protruding building structure at the base of the tower, whichever is closest to the property line, to the property line of the parcel on which it is located. Communication towers shall comply with the minimum setback requirements of the district in which they are located and the street setbacks set forth in section 3.44.14, setbacks for future road widening, and section 11.2.5, minimum planned rights-of-way, setback distances and functional classification. In cases where there is a conflict between the minimum setback requirements and the street setbacks, the greater setback shall apply. In addition, where there is a principal building housing a principal use located on the site, the communication tower and accessory structures to the tower shall be located behind the main building line.
  - (2) Equipment buildings and structures shall be located within the perimeter fence or wall of the communication tower site.
    - a. Communication tower equipment buildings 100 square feet or less shall conform to the setback requirements for an accessory use.
    - b. All communication tower equipment buildings and structures over 100 square feet shall conform to the zoning district setback requirements.
    - c. One unmanned communication equipment building or structure may be constructed for each communication service provider that collocates ~~co-locates~~ one or more antennas on a communication tower site.
- (c) *Separation from off-site residential uses.*
  - (1) Separation requirements for communication towers from residentially zoned lands or residential uses shall comply with the following minimum standards:

Minimum Separation Distance from Residential for Communication Towers

Tower Type	Separation Distance
Monopole or camouflaged	300% height of tower, up to a maximum of 200 feet
Lattice	300% height of tower or 200 feet, whichever is greater

- (2) A certified survey shall be submitted with any application for conditional use approval or permit approval to demonstrate conformance with separation requirements.

(d) Separation distances between communication towers.

- (1) Communication towers shall be located so as to comply with the minimum separation distances provided below. Separation distances shall be measured between the proposed tower and those towers that are legally existing and/or have received land use or building permit approval from the City of Altamonte Springs or adjoining jurisdictions.

Minimum Separation Distance Between Communication Towers

Proposed Tower Types	Existing Tower Type		
	Lattice, Self-Supporting or Guyed	Monopole 75 Ft. In Height or Greater	Monopole Less Than 75 Ft. In Height
Monopole 75 ft. in height or greater	1,500 Ft.	1,200 Ft.	750 Ft.
Monopole less than 75 ft. in height	750 Ft.	750 Ft.	750 Ft.
Self-supporting lattice	5,000 Ft.	1,500 Ft.	750 Ft.

- (2) The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower.
  - (3) Documentation shall be submitted with any request for a conditional use or permit approval to demonstrate conformance with the separation requirements.
- (e) *Fencing and walls.* A chain link, wire mesh, or metal picket fence or finished masonry wall not less than eight feet in height from finished grade shall be provided

around each communication tower site. Access to the tower shall be through a locking locked gate.

- (f) *Landscaping.* The visual impacts of a communication tower shall be mitigated for nearby viewers through landscaping or other screening materials at the base of the tower and ancillary structures. The following landscaping and buffering of communication tower shall be required around the perimeter of the tower and accessory structures. Landscaping shall be installed on the outside of perimeter fences and walls. Further, the use of existing vegetation shall be preserved to the maximum extent practicable and may be used as a substitute of or in supplement towards meeting landscaping requirements.
- (1) A row of trees a minimum of eight feet tall and a maximum of 25 feet apart shall be planted around the perimeter of the fence or wall.
  - (2) A continuous hedge at least 30 inches high at planting shall be planted in front of the tree line referenced above.
    - a. If a fence is used to enclose the communication tower site, the hedge shall be maintained at a minimum height of 60 inches within 18 months of planting.
    - b. If a finished masonry wall is used to enclose the communication tower site, the hedge shall be maintained at a minimum height of 36 inches within 18 months of planting.
  - (3) All landscaping shall be of the evergreen variety.
  - (4) The growth management director may waive or modify the required landscaping on one or more sides of the communication tower site, or allow the placement of required landscaping elsewhere on the development site, when the required landscape area is located adjacent to undevelopable lands or lands not in public view.
- (g) *Height.* No freestanding communication tower shall exceed 200 feet in height from ground level, including antennas.
- (h) *Type of construction.* Communication towers shall be monopole or lattice construction; provided, however, camouflaged construction may be approved by the planning board at the conditional use hearing, upon consideration of the following factors in addition to those set forth at section 3.4.3.4:
- (1) Compatibility with adjacent properties;
  - (2) Architectural consistency with adjacent properties;
  - (3) Visual impact on adjacent properties, including visual access of adjacent properties to sunlight; and
  - (4) Design of accessory structures in order to be architecturally consistent with the existing structures on the site. A waiver from the fencing and landscaping requirements of this section may be requested for such accessory structures.

- (i) *Development criteria.* Communication towers and their accessory structures shall comply with the minimum development criteria of the zoning district in which they are located, pertaining to minimum lot size, open space, setbacks, and landscape buffers.
- (j) *Illumination.* Communication towers shall not be artificially lighted except to assure human safety or as required by the Federal Aviation Administration (FAA). At time of construction in cases where there are residential uses within a distance 300 percent of the height of the tower, dual lighting shall be requested from the FAA.
- (k) Collocation ~~Co-location~~-supportive design.
  - (1) Monopole communication towers shall be engineered and constructed to accommodate a minimum of one additional communication service provider.
  - (2) Lattice communication towers shall be engineered and constructed to accommodate a minimum of two additional communication service providers.
  - (3) Camouflaged communication towers are encouraged to accommodate collocation ~~co-location~~ but, if accepted as a camouflaged tower by the city, may be engineered and constructed without accommodating additional communication service providers.
  - (4) Communication towers located within electrical substations may be engineered and constructed without accommodating additional communication service providers. Such towers shall be monopole construction and shall be subject to all of the requirements of this division. The substation shall be located within one of the zoning categories specified in subsection 3.40.4(b).
  - (5) Proposed communication antennas may, and are encouraged to, collocate ~~co-locate~~ onto existing communication towers. Refer to section 3.40.5, collocation ~~co-location~~ of communication antennas on communication towers.
  - (6) If determined by the city that the proposed tower is situated in a location which will benefit the city's telecommunication systems, then the tower shall be engineered and constructed to accommodate the additional telecommunicating equipment beneficial to the public system at a cost to the city no greater than the actual expense of the provider in so engineering and constructing the tower to meet the city's needs.
- (l) *Noninterference.* No communication tower or antenna shall interfere with public safety communication. Frequency coordination is required to ensure noninterference with public safety system and/or public safety entities.
- (m) *Variances.* Any request to deviate from any of the performance and construction requirements of this section shall require variance approval.

- (n) *Documentation.* Documentation to demonstrate conformance with the requirements of sections 3.40.3 and 3.40.4 shall be submitted by the applicant with all requests to construct, locate or modify a communication tower/antenna. A statement by the applicant as to how construction of the communication tower will accommodate collocation ~~co-location~~ of additional antennas for future users shall be included with the documentation.
- (o) *Signs and advertising.* The use of any portion of a tower for sign or advertising purposes including, without limitation, company name, banners, or streamers, is prohibited.
- (p) *Abandonment.* In the event the use of any communication tower has been discontinued for a period of 180 consecutive days, the tower shall be deemed to have been abandoned. Upon such abandonment, the owner/operator of the tower shall have an additional 180 days within which to: (i) reactivate the use of the tower or transfer the tower to another owner/operator who makes actual use of the tower; or (ii) dismantle and remove the tower. The owner of the real property shall be ultimately responsible for all costs of dismantling and removal, and in the event the tower is not removed within 180 days of abandonment, the city may proceed to do so and assess the costs against the real property. The lien of such assessment shall bear interest, have priority and be collectable, at the same rate and in like manner as provided for special assessments by Florida law. At the earlier of 181 days from the date of abandonment without reactivation or upon completion of dismantling and removal, any special exception, waiver and/or variance approval for the tower shall automatically expire.
- (p) *Finished color.* Communication towers not requiring FAA painting/markings shall have either a galvanized finish or be painted a noncontrasting blue, gray or black finish. The color should be selected so as to minimize the equipment's visibility.
- (r) *Osprey nesting.* It is suggested that new freestanding communication towers incorporate a design that provides an integral nesting platform to direct the most likely site for osprey nesting to a location on the tower which will reduce the risk of injury to the osprey or interference with tower equipment and maintenance.

#### **3.40.5 Collocation ~~Co-location~~ of communication antennas on communication towers.**

Proposed communication antennas may, and are encouraged to, collocate ~~co-locate~~ onto existing communication towers. Provided such collocation ~~co-location~~ is accomplished in a manner consistent with the following requirements, such collocation ~~co-location~~ is permitted and new or additional conditional use approval is not required.

- (a) *Service providers.* The modification or reconstruction of an existing communication tower is to accommodate the collocation ~~co-location~~ of one (1) ~~two (2)~~ or more additional communication antennas that are owned or operated by more than one communication service provider.
- (b) *Height.* An existing communication tower may be modified to a taller height, not to exceed 20 feet over the tower's existing height and subject to the maximum height



allowed for towers, to accommodate the collocation ~~co-location~~ of one or more additional communication antennas.

- (1) The height change referred to in this subsection may only occur one time per communication tower.
  - (2) The additional height referred to in this subsection shall not require an additional distance separation. The communication tower's pre-modification height shall be used to calculate such distance separations.
- (c) *Type of Construction.* The modification or reconstruction shall not change the communication tower from one type of tower to another, except that a lattice communication tower may be reconstructed as a monopole tower.
- (d) *Onsite location.* A communication tower which is being rebuilt to accommodate the collocation ~~co-location~~ of an additional communication antenna may be moved onsite within 50 feet of its existing location. A relocated onsite communication tower shall continue to be measured from the original tower location for purposes of calculating separation distances between towers and separation distances to residentially-zoned lands. After the communication tower is rebuilt to accommodate collocation ~~co-location~~, only one tower may remain on the site.
- (e) Collocation in rights-of-way. Refer to article X for the collocation of communication antennas on utility poles in public rights-of-way.

### **3.40.6 Reserved. Wireless communication facilities.**

- ~~(a) Within the city of Altamonte Springs, wireless communication facilities, as defined in article I, shall be permitted on private or public property, and within city, county, and state public rights of way and public easements, subject to the requirements of this division.~~
- ~~(b) All wireless communication facilities in on privately owned and publicly owned property and in public rights of way and public easements shall be subject to the city's zoning and land use regulations, and consistency with activity center design guidelines.~~
- ~~(c) Co location of wireless communication facilities is strongly encouraged. Where multiple providers are seeking to locate in the same geographic area, every effort should be made to co-locate.~~
- ~~(d) Wireless communication facilities attached to a permitted and legally installed and maintained vertical structure in a public right of way or public easement, such as a street light pole or utility pole, is strongly encouraged.~~

#### **3.40.6.1 *Use and height requirements.***

- ~~(a) *Zoning and maximum heights.* Wireless communication facilities shall be permitted in the zoning districts indicated below, at the maximum heights indicated. The zoning of the nearest adjacent property will apply to wireless communication facilities proposed in a city, county, or state public right of way.~~

~~Permitted Zoning Districts and Heights for  
Wireless Communication Facilities~~

<del>Zoning District</del>	<del>Private and Public Property</del>	<del>Public Rights-of- way</del>
<del>R-1AAA, R-1AA, R-1A, R-1, R-2, R-M residential districts. CD conservation. PUD-RES planned unit development residential. Any similar zoning district in adjoining jurisdictions.</del>	<del>Not permitted</del>	<del>Not permitted</del>
<del>R-3, R-4 multi-family residential. MOR-1 mixed-office residential. PUD-MO planned unit development mixed other. Any similar zoning district in adjoining jurisdictions.</del>	<del>35 Ft.</del>	<del>35 Ft.</del>
<del>C-L commercial light. Any similar zoning district in adjoining jurisdictions.</del>	<del>Not permitted</del>	<del>40 Ft.</del>
<del>MUD multi-use development. Any similar zoning district in adjoining jurisdictions.</del>	<del>40 Ft.</del>	<del>40 Ft.</del>
<del>GO general office C-G general commercial. IN institutional. MOR-2, MOR-3 mixed office residential. MOC-1, MOC-2, MOC-3 mixed office commercial. PUD-COM planned unit development commercial. I-L very light industrial. MOI-1, MOI-2 mixed office industrial. Any similar zoning district in adjoining jurisdictions.</del>	<del>45 Ft.</del>	<del>45 Ft.</del>

- (b) ~~Permitted use in PUD. Wireless communication facilities shall be indicated as a permitted use on a PUD-MO or PUD-COM master land use plan in order to be considered as permitted on private and public property pursuant to the above table.~~
- (c) ~~Height compatibility. In addition to the maximum heights in (a), above, the size and height of vertical structures supporting wireless communication facilities in the right-of-way or public easements shall not be greater than the maximum size and height of vertical structures of the same type (i.e., other street light poles for street light pole installations, other utility poles for utility pole installations, etc.) in the same block face.~~
- (1) ~~Once the height of vertical structures of the same type on the same block-face has been established, an individual pole height may be increased by up to 10% of the established height to support the installation of a wireless~~

~~communication facility at the top of the pole. The maximum height of the antenna and its mounting brackets and hardware is four (4) feet above the top of the pole. The overall height of the pole and antenna shall not exceed the maximum heights provided in (a), above.~~

~~(2) The height of stand-alone wireless communication facility support poles shall not be greater than the maximum height of any other vertical structures in the same block face, subject to the maximum heights provided in (a), above.~~

~~(d) *Determination of similar zoning district in adjoining jurisdictions.* When a wireless communication facility is proposed to be located in a right-of-way within the city limits which is adjacent to property located in an adjoining jurisdiction, the city engineer, in consultation with the growth management director, shall determine the corresponding city zoning district for purposes of applying the zoning and maximum height requirements of this section.~~

#### ~~3.40.6.2 Approval and permitting process.~~

~~(a) *Private and public property.* Wireless communication facilities that comply with the requirements of this division may be installed and located on private or public property through the building permit review and approval process. Such wireless communication facilities shall be exempt from site plan review by the development review committee provided the proposed wireless communication facility does not impact or conflict with improvements or landscaping on the subject property. In the event a proposed wireless communication facility conflicts with existing or proposed improvements or landscaping on the subject property, a site plan revision shall be required before permit issuance.~~

~~(b) *Public rights-of-way.* Wireless communication facilities that comply with the requirements of this division may be installed and located within city, county, and state public rights-of-way and public easements within the city limits of the city of Altamonte Springs through the right-of-way permitting process in article X, right-of-way utilization.~~

~~(c) *Compliance with land development code.* An existing or proposed wireless communication facility on private or public property or in public rights-of-way or public easements shall only be constructed, utilized, and maintained in a manner consistent with the city land development code.~~

~~(d) *Plan requirements.* In addition to the standard permit submittal requirements, applications for wireless communication facilities shall submit plans which include the following:~~

~~(1) Depict the area where the work shall be performed:~~

~~a. For proposed locations on private and public property, provide a site plan of the entire property indicating where the limits of work are located on the property, and a blow-up of the limits of work area depicting the details of the proposed installation.~~

- b. ~~For proposed locations in rights-of-way or public easements, provide the limits of right-of-way and easements and limits of work where work shall be performed.~~
- (2) ~~Depict and identify within a minimum of 50 feet of work all above-ground infrastructure and improvements, including without limitation, pavement, curb, sidewalks, buildings, utility poles, etc. and all below-ground infrastructure and utilities, including without limitation, foundations, tanks, utilities, etc. within limits of work.~~
- (3) ~~Depict and identify within a minimum of 50 feet of work all existing landscaping and vegetation~~
- (4) ~~Depict and identify all existing easements within limits of work and any additional easement(s) acquired (e.g., access easement, temporary construction easement, or other easement) for construction of work. Easements must denote recording information.~~
- (4) ~~Depict and identify the separation distance from all residential uses, include addresses, zoning, and type of residential use (e.g., single-family residential, multi-family, townhomes).~~
- (6) ~~Include a profile view of wireless communication facility demonstrating overall height and compliance with the pole construction requirements, design requirements, and all other applicable requirements of this division.~~
- (7) ~~Indicate the city-assigned address on the plan and submit a copy of the address assignment letter from the city.~~
- (8) ~~Depict and identify all wireless communication facilities located within a 600-foot radius measured for the center of the proposed wireless communication facility to the center of any existing wireless communication facility. If none exist within the 600-foot radius, the plans must denote this.~~
- (9) ~~Plan and profile drawings must depict and identify all proposed improvements for the wireless communication facility.~~
- (10) ~~Drawings must be 24 x 36 inches, to a standard engineering scale, and signed and sealed by a professional engineer.~~
- (11) ~~Additionally, for right-of-way utilization permits:~~
- a. ~~Identification of the parcels consisting of the nearest adjacent property and the zoning and jurisdiction of such property.~~
- b. ~~The height and size of existing poles of the same type on the same block face.~~
- c. ~~For stand-alone wireless communication facility support poles, the location of existing vertical structures poles for 100 feet in either direction along the same right-of-way.~~
- (d) ~~Support material requirements. Applications for right-of-way utilization permits shall submit the following support materials:~~

- ~~1. A copy of the registration with the city pursuant to chapter 29, communication systems, of the city code of ordinances.~~
- ~~2. A statement or statements certifying that the construction of wireless communication facilities proposed to be located in the public rights-of-way will comply with applicable standards as set forth in the Florida Building Code, the state of Florida department of transportation, manual of uniform minimum standards for design, construction and maintenance for streets and highways, and applicable electrical codes; and describing the proposed wireless communication facilities' capacity to permit multiple users, including an example of the number and type of antennas or other attachments that can be accommodated on support structures. Any wireless communication facility which exceeds its support structure's loading capacity, which causes any pole or structure to exceed its loading capacity, or which does not conform to applicable electrical codes shall not be permitted in the public rights-of-way.~~
- ~~3. For utilization of electric utility poles and facilities in city rights-of-way, documentation of compliance with the requirements of the electric utility's franchise agreement regarding facilities for other, non-electric utility services or products.~~
- ~~4. For wireless communication facilities proposed to be located in a county or state right-of-way, a copy of the right-of-way utilization permit or authorization from the county or state.~~

~~3.40.6.3 Performance and construction standards for wireless communication facilities.~~

- ~~(a) Separation from off-site residential. No wireless communication facility shall be permitted within seventy five (75) feet of any off-site single-family or multi-family residential principal structure. Documentation shall be submitted with any application for permit approval to demonstrate conformance with the separation requirement.~~
- ~~(b) Separation distances between wireless communication facilities. The minimum separation distance between wireless communication facilities shall be six hundred (600) feet. Separation distances shall be irrespective of jurisdiction or location in rights-of-way or on parcels of land and shall be measured by drawing or following a straight line between the base of the existing wireless communication facility and the base of the proposed facility. Documentation shall be submitted with any request for a wireless communication facility to demonstrate conformance with the requirement for separation distances between wireless communication facilities.~~
- ~~(c) Type of pole construction. The following vertical pole structures may be used as support structures for new wireless communication facilities, subject to compliance with the requirements of this division, to include the maximum heights in section 3.40.6.1, use and height requirements. Activity center requirements shall apply within designated activity centers and in the entire right-of-way adjacent to activity center boundaries.~~

~~(1) Utility poles.~~

- ~~a. Utility poles (as defined in article I) may be used as wireless communication facility support structures when wireless communication facilities are added to an existing utility pole, or an existing utility pole is replaced in order to support wireless communication facilities.~~
- ~~b. Wireless communication facilities shall not be installed on existing, replacement, or new wood utility poles.~~
- ~~c. New and replacement utility poles that support wireless communication facilities shall match the style, design, and color of non-wood utility poles in the surrounding area.~~
- ~~d. New utility poles shall not be permitted in areas that have streetscaping or where the above ground utilities have been removed or placed underground.~~
- ~~e. In activity centers where decorative street lights are the predominant fixture, utility poles that support wireless communication facilities shall match the style, design, and color of the decorative streetlight poles.~~

~~(2) Streetlights and on-site light poles.~~

- ~~a. Street lights in public rights-of-way and on-site light poles may be used as wireless communication facility support structures when wireless communication facilities are added to an existing light pole, or an existing light pole is replaced in order to support wireless communication facilities.~~
- ~~b. Such street lights or on-site light poles shall continue to match the style, design, and color, of existing street light poles on that particular street or particular parcel of land.~~
- ~~c. In activity centers where decorative street lights are the predominant fixture, streetlight poles that support wireless communication facilities shall match the style, design, and color of the decorative streetlight poles.~~

~~(3) Stand-alone wireless communication facility support pole.~~

- ~~a. New poles designed specifically to support wireless communication facilities may be used for wireless communication facilities.~~
- ~~b. For placement in public rights-of-way, an applicant must provide satisfactory evidence to the city that no existing utility poles or streetlights can be reasonably used for the wireless communication facility placement instead of the construction of a new, single-purpose support pole~~

~~c. New wireless communication facility support poles shall be a decorative monopole with a black finish.~~

~~d. In activity centers where decorative street lights are the predominant fixture, wireless communication facility support poles shall match the style, design, and color of the decorative streetlight poles.~~

~~(4) Traffic signal poles.~~

~~a. Wireless communication facilities shall not be installed on traffic signal poles owned by the city or located in the city's public right-of-way.~~

~~b. Wireless communication facilities may be installed on traffic signal poles which are not owned by the city and not located in the city's public rights of way, if authorized by the agency owning the pole and the agency having control of the right-of-way, and provided such installation complies with the requirements of this division.~~

~~(d) Design requirements.~~

~~(1) Ground-mounted equipment cabinets and battery backup cabinets shall be permitted when such cabinets are located on a concrete pad on the ground. On private and public property, equipment boxes for wireless communication facilities must be located in areas with existing foliage or another aesthetic feature to obscure the view of the equipment box. Additional plantings may be provided to meet this requirement. The external finish of all ground mounted cabinets and associated hardware shall be black.~~

~~(2) Pole-mounted equipment cabinets or battery backup cabinets shall be permitted when mounted to the same support pole as the communication antenna. Such cabinets shall be a minimum of twelve (12) feet above finished grade, excluding the electric meter and disconnect switch. Individual pole-mounted equipment components shall be no more than fifteen (15) cubic feet in volume. The equipment cases and all mounting and banding fixtures shall match the color of the pole.~~

~~(3) Electric power and communication lines servicing wireless communication facilities shall be located underground. Aerial connections shall be prohibited.~~

~~(4) No exposed wiring or conduit is permitted. Above the electric meter and disconnect switch, all conduit and wiring shall be located inside the pole.~~

~~(5) Exterior looping of excess cable length installed on any wireless communication facility is prohibited.~~

~~(6) Electric meters and disconnect switches shall be located on the equipment cabinet or the wireless communication facility support pole, and shall not be located on a separate meter pole. When pole-mounted, electric meters~~

~~and disconnect switches shall not be located on the side of the pole that faces the sidewalk. Conduit leading to the electric meter box and disconnect switch shall match the color of the pole, if pole mounted; otherwise, the finish shall be black.~~

- ~~(7) The grounding rod shall not extend above the top of the 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.~~
  - ~~(8) All pull boxes must be vehicle load bearing, comply with FDOT standard specification 635 and be listed on the FDOT approved products list. No new pull boxes may be located in pedestrian ramps.~~
  - ~~(9) No signals, lights, or illumination shall be permitted on an antenna, except in the case of a light pole on a pole to which such antenna is attached, unless required by applicable state or federal laws or rules.~~
  - ~~(10) For purposes of emergency contact, the owner of the wireless communication facility shall place one identification label on the equipment advising of the name and contact telephone number of the owner of the wireless communication facility.~~
  - ~~(11) FCC emissions standards. All personal wireless service facilities in the public rights-of-way shall comply with current radio frequency emissions standards of the Federal Communications Commission.~~
- ~~(e) Placement requirements.~~
- ~~(1) All wireless communication facilities and accessory equipment shall be located to avoid any physical or visual obstruction to pedestrian, bicycle, or vehicular traffic, or to otherwise create safety hazards to pedestrians, bicyclists, or motorists.~~
  - ~~(2) When located within a public right-of-way, public easement, or private street:
 
    - ~~a. Stand-alone wireless communication facility support poles shall be located in line with other vertical structures in the right-of-way, such as streetlight poles, when possible.~~
    - ~~b. Where available, wireless communication facilities shall be located in the parkway strip or street furniture zone (as defined in article I). In no instance when a parkway strip or street furniture zone is available, shall wireless communication facilities be located in the pedestrian clear zone (as defined in article I). Wireless communications facilities in the parkway strip or street furniture zone shall generally be placed in the center of the parkway strip or street furniture zone and shall meet minimum Florida department of transportation and city of Altamonte Springs roadway setback requirements from the back-of-curb.~~~~



- c. ~~Where there is no parkway strip or street furniture zone, wireless communication facilities shall maintain a minimum five (5) foot wide pedestrian clear zone between the wireless communication facility and edge of sidewalk.~~
- d. ~~Wireless communication facilities shall be located at least ten (10) feet from the edge of existing trees twelve (12) inches or greater in diameter at breast height.~~
- (3) ~~When located in any other location that is adjacent to a sidewalk or pedestrian way, a minimum five (5) foot wide pedestrian clear zone shall be maintained.~~
- (4) ~~Wireless communication facilities shall be located at least ten (10) feet from a driveway.~~
- (5) ~~Wireless communication facilities shall be set back a minimum of twenty-five (25) feet from a traffic signal pole and set back a minimum of fifteen (15) feet from any pedestrian ramp.~~
- (6) ~~Notwithstanding the above, the city may require greater setbacks from these and other fixtures in the right-of-way to ensure proper sight lines for public safety purposes.~~
- (7) ~~When adjacent principal use buildings are located within ten (10) feet of the right-of-way, wireless communication facilities shall be located between tenant spaces or adjoining properties where their shared property line intersect the right-of-way.~~
- (f) ~~*Setback and landscape buffer requirements.* When located on privately or publicly owned parcels of land (i.e., not right-of-way), wireless communication facilities, support structures/poles, cabinets, and equipment shall conform to the following setback and landscape buffer requirements, which are similar to the requirements for other types of accessory uses (refer to the definitions for yards in article I for determining front, side, and rear yards).~~
- (1) ~~Front yards. Wireless communication facilities shall be located behind the front building line established by existing buildings on the property, and shall not be located in front landscape buffers. Exception: Poles located in public easements adjacent to the right-of-way which support wireless communication facilities.~~
- (2) ~~Side yards. Wireless communication facilities shall not be located in the required side yard setback or landscape buffer. Exception: Utility poles located in public easements that support wireless communication facilities.~~
- (3) ~~Rear yards. Wireless communication facilities shall be no closer than six feet to the rear lot line. Exception: Utility poles located in public easements that support wireless communication facilities.~~
- (4) ~~The city may require the use of landscaping as a buffer, which landscaping is consistent with the landscaping otherwise located on the property.~~

~~Additional landscaping or fencing may be required if deemed necessary to buffer adjacent properties or to screen the proposed wireless communication facility equipment.~~

~~3.40.6.4 *Modification of existing wireless communication facilities.* Co-location, removal, or replacement of reception or transmission equipment for an existing wireless communication facility shall only be subject to a building permit on private or public property, or a right of way utilization permit in public rights of way, either of which shall include an administrative review for compliance with this division, provided the modification does not:~~

- ~~(a) Increase the height of the wireless communication facility such that it would exceed the maximum height requirements of this division.~~
- ~~(b) Involve installation of more than the standard number of new equipment cabinets for the technology involved, not to exceed a total of four cabinets.~~
- ~~(c) Involve any excavation or deployment outside the current site of the wireless communication facility.~~
- ~~(d) Defeat the existing concealment elements of the wireless communication facility.~~
- ~~(e) Violate conditions associated with the prior approval of the wireless communication facility, except for addition of cabinets, or new excavation pursuant to the allowances of this section.~~

~~3.40.6.5 *Maintenance.*~~

- ~~(a) All wireless communication facilities shall be maintained consistent with city approvals, the requirements of the land development code, and in good repair, including exterior finishes, surfaces and structures.~~
- ~~(b) Routine maintenance not modifying the wireless communications facility from the approved permitted drawings may be performed without a permit from the city.~~
- ~~(c) Damaged poles or facilities shall be immediately repaired, removed, or replaced. Within public rights of way, in the event that damage to a wireless communication facility poses a safety hazard to the public, the city has a right of removal at the owner's expense.~~
- ~~(d) All safety practices required by applicable law or accepted industry practices and standards shall be used during the placement or maintenance of communications facilities and wireless communication facilities.~~
- ~~(e) The use of any portion of a wireless communication facility or support pole for the posting of signs or for advertising purposes, including, but not limited to the display of lights, banners and streamers, is strictly prohibited.~~

~~3.40.6.6 *Waivers.* Waivers related to the following situations for wireless communication facilities located on private or public property and in rights of way may be granted by the growth management director and city engineer, respectively, upon their finding that such waiver would not be contrary to the public interest:~~

- ~~(a) To increase the maximum height of a wireless communication facility up to ten (10) percent if the increased height:
  - ~~(1) Accommodates the co-location of antennas from more than one wireless provider; or~~
  - ~~(2) Improves transmission impacted by surrounding buildings or topography, provided that there is adequate tree canopy to mitigate for the increase in height.~~~~
- ~~(b) To decrease the separation distance requirement between wireless communication facilities required in section 3.40.6.3(b) by up to ten (10) percent if:
  - ~~(1) An existing utility pole is being replaced; or~~
  - ~~(2) Impediments such as a dense tree canopy or tall structure interfere with signal transmission.~~~~
- ~~(c) To reduce the design requirements in section 3.40.6.3(d), the placement requirements in section 3.40.6.3(e), and/or the setback and landscape buffer requirements in section 3.40.6.3(f) when he or she finds the intent of this division is better served by such waiver.~~

~~3.40.6.7 Compliance with franchise agreement.~~ In addition to the requirements contained herein, all applications that involve the utilization of electric utility poles or facilities in city rights-of-way shall provide documentation that the electric utility has complied with the requirements of the franchise agreement for obtaining additional and separate permission from the city to utilize its electric utility system facilities in the city's right-of-ways to provide other, non-electric utility services or products.

~~3.40.6.8 Registration.~~ Registration with the city is required pursuant to chapter 29, communication systems, of the city code of ordinances prior to applying for permits to place, occupy, or maintain a communication system in the public right-of-way.

### **3.40.7 Address assignments.**

A city address assignment shall be obtained prior to the permitting or installation of a communication tower, ~~wireless communication facility~~, or any installation that includes an electric meter where an address is required, and shall be posted on the facility.

### **3.40.8 Building permits.**

Communication towers, and communication antennas, ~~and wireless communication facilities~~ shall comply with all applicable building and fire codes and permitting requirements.

### **3.40.9 Master agreement for city property or facilities.**

A master agreement with the city shall be required prior to installation of a communication tower, or communication antenna, ~~or wireless communication facility~~ on city-owned property or on city facilities located either in or out of the right-of-way.

### 3.40.10 Technical assistance review fee.

For any application required under division 40, the city shall have the authority to retain technical expertise to assist city staff in evaluating the permit application. The cost of such technical expertise that is retained by the city shall be at the applicant's expense. The cost of such services shall be paid for by the applicant at such time as the technical expertise is determined to be required by the growth management director or city engineer.

### **SECTION THREE.** City Code of Ordinances, Chapter 28, "Land Development Code,"

Article X, "Right-of-way Utilization," is hereby amended to read as follows:

## **ARTICLE X. RIGHT-OF-WAY UTILIZATION**

### **DIVISION 1. GENERAL PROVISIONS**

#### **10.1.1 Purpose.**

- (a) This article is enacted pursuant to law for the purpose of controlling the utilization of the public rights-of-way and public easements lying within the city in the interest of public health, safety and welfare of the citizens and inhabitants of the City of Altamonte Springs, Florida. It is the intent of this article to promote good engineering practices, through permitting and published regulations, which will assure the maximum utilization of the public rights-of-way and public easements by all the citizens with the lowest life cycle cost to all due to safety, operation and maintenance.
- (b) Portions of this article implement the Advanced Wireless Infrastructure Deployment Act for small wireless facilities within public rights-of-way and related matters pursuant to F.S. § 337.401(7) (2017). Parenthetical references to statute sources related to the wireless act and other sources for matters within this article have been provided for ease of cross reference. However, such citations should not be construed to be an exhaustive inventory of text within this article that is related to this or any other state or federal requirement.

#### **10.1.2 Definitions.**

~~The term "rights-of-way" and the term "easements" are defined in article I. The usage in this article, unless otherwise designated, shall be deemed public rights-of-way and public easements.~~

The following words and phrases shall have the meaning ascribed thereto for the purpose of this article. Other definitions as provided in article I of this Code shall supplement and apply to the provisions of this article. In the event of any conflict, the definitions as provided in this article shall prevail.

*Antenna.* Communications equipment that transmits or receives electromagnetic radio frequency signals used in providing wireless services. (F.S. § 337.401(7)(b)1).

*Abandonment or abandoned.* The cessation of all uses of a communications facility for a period of one hundred eighty (180) or more consecutive days provided this term shall not include the cessation of all use of a communications facility within a physical structure where the physical structure continues to be used for some purpose or use accessory to the communications facility. By way of example, cessation of all use of a cable within a conduit, where the conduit continues to be used for some purpose or use accessory to the communications facility, shall not be abandonment of a communications facility, a wireless infrastructure provider's failure to have a wireless service provider provide service through a small wireless facility collocated on a utility pole within nine (9) months after the application is approved in accordance with F.S. § 337.401(7)(j), shall constitute abandonment. The terms abandonment or abandoned are not intended to include a dropped line from a potential or existing customer in the event the communications services provider, communications facility provider, or pass-through provider reasonably anticipates future use of the dropped line.

*Application for collocation.* A request submitted by an applicant who is a wireless provider to the city for a permit to collocate a small wireless facility on an existing or replacement utility pole (F.S. § 337.401(7)(b)3 and 7). An application for collocation is processed as a type of right-of-way utilization permit application.

*Applicable codes.* As used in division 3 for purposes of small wireless facilities, uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization or local amendments to those codes enacted solely to address threats of destruction of property or injury to persons, which have been adopted by the City of Altamonte Springs and which help implement the requirements of F.S. § 337.401.

- (a) The term includes objective design standards adopted by ordinance that may require a new utility pole that replaces an existing utility pole to be of substantially similar design, material, and color or that may require reasonable spacing requirements concerning the location of ground-mounted equipment.
- (b) The term includes objective design standards adopted by ordinance that may require a small wireless facility to meet reasonable location context, color, stealth, and concealment requirements; however, such design standards may be waived by the city upon a showing that the design standards are not reasonably compatible for the particular location of a small wireless facility or that the design standards impose an excessive expense. The waiver shall be granted or denied within 45 days after the date of the request. (F.S. § 337.401(7)(b)2).

*Authority.* A county or municipality having jurisdiction and control of the rights-of-way of any public road. For purposes of division 3, the term does not include the Florida department of transportation. (F.S. § 337.401(7)(b)5). The authority is the City of Altamonte Springs for city public rights-of-way.

*Collocate or collocation.* To install, mount, maintain, modify, operate, or replace one or more wireless facilities on, under, within, or adjacent to a wireless support structure or utility pole. The term does not include the installation of a new utility pole or wireless support structure in the public rights-of-way. (F.S. § 337.401(7)(b)7).

Communication facility. A facility that may be used to provide communications services; multiple cables, conduits, strands, or fibers located within the same conduit shall be considered one communication facility (F.S. § 337.401(6)).

Communication services or communications services. As defined in the Altamonte Springs Code, ch. 29 – communications systems, and based upon F.S. § 202.11.

Communications services provider. Any person providing communications services through the placement or maintenance of a communications facility in public rights-of-way, including wireline telecommunication providers and wireless service providers.

Communications system or telecommunications system. As defined in the Altamonte Springs Code, ch. 29 – communications systems.

Days. For purposes of computing any period of time expressed in day(s) in this article, the day of the act, event or default from which the designated period of time begins to run shall not be included and the last day of the period so computed shall be included unless it is a Saturday, Sunday, or legal holiday, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday or legal holiday.

Easement. As defined in article I of this Code. The usage in this article, unless otherwise designated, shall be deemed public easements that are under the jurisdiction and control of the city wherein the city has the right to locate or permit the location of utility facilities; provided that the terms and conditions of the easement expressly allow for the proposed use, or any restrictions thereon do not expressly prohibit the use of the particular easement for purposes other than which it was conveyed, dedicated or condemned.

FCC. The Federal Communications Commission. (F.S. § 337.401(7)(b)8).

FDOT. The Florida Department of Transportation.

Micro wireless facility. A small wireless facility having dimensions no larger than 24 inches in length, 15 inches in width, and 12 inches in height and an exterior antenna, if any, no longer than 11 inches. (F.S. § 337.401(7)(b)9).

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

Place or maintain. To erect, construct, install, maintain, place, repair, extend, expand, remove, occupy, locate, collocate, or relocate. A communications services provider that owns or exercises physical control over communications facilities in public rights-of-way, such as the physical control to maintain and repair, is placing or maintaining the communications facilities. A party providing service only through resale or only through use of a third party's unbundled network elements is not placing or maintaining the communications facilities through which such service is provided.

Right-of-way, public. As defined in article I of this Code. The usage in this article, unless otherwise designated, shall be deemed public rights-of-way.

Small wireless facility. A wireless facility that meets the following qualifications:

- (a) Each antenna associated with the facility is located inside an enclosure of no more than six (6) cubic feet in volume or, in the case of antennas that have exposed elements, each antenna and all of its exposed elements could fit within an enclosure of no more than six (6) cubic feet in volume; and
- (b) All other wireless equipment associated with the facility is cumulatively no more than 28 cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, ground-based enclosures, grounding equipment, power transfer switches, cutoff switches, vertical cable runs for the connection of power and other services, and utility poles or other support structures. (F.S. § 337.401(7)(b)10).

Stealth design. A method of camouflaging any tower, antenna, wireless facilities, or other ancillary supporting communications facility, including, but not limited to, supporting electrical, optical, or mechanical, or other equipment, which enhances compatibility with adjacent land uses and which is visually and aurally unobtrusive.

Utility pole. A pole or similar structure that is used in whole or in part to provide communications services or for electric distribution, lighting, traffic control, signage, or a similar function. The term includes the vertical support structure for traffic lights but does not include a horizontal structure to which signal lights or other traffic control devices are attached and does not include a pole or similar structure 15 feet in height or less unless the city grants a waiver for such pole. (F.S. § 337.401(7)(b)11). This definition does not include electric transmission poles. For purposes of these regulations, utility poles shall be classified as the following types:

- (a) AEU pole. A utility pole owned by the Altamonte Electric Utility located in the right-of-way.
- (b) City utility pole. A utility pole owned by the city in the right-of-way. The term does not include a utility pole owned by the Altamonte Electric Utility, any other municipal electric utility, or a utility pole used to support municipally owned or operated electric distribution facilities. (F.S. § 337.401(7)(b)6).
- (c) Existing utility pole. A utility pole within the rights-of-way that exists at the time an application to place attachments on that utility pole, such as a communications facility, is filed with the city.
- (d) New utility pole. A utility pole that does not exist within the rights-of-way at the time an application to place a communications facility on that utility pole is filed with the city, is proposed to be installed to support the proposed communications facility, and is not a replacement utility pole.
- (e) Replacement utility pole. An existing utility pole that has been renovated, reconfigured, or replaced with a similar structure so as to continue serving its primary existing purpose while also supporting the attachment of communications

facilities that is approximately in the same location and serving the same function(s) as the existing structure and in such a manner that does not result in a net increase in the number of utility poles located within the public rights-of-way, does not interfere with pedestrian or vehicular access and complies with applicable codes. The replacement utility pole remains the property of the owner of the existing structure prior to the repurposing, unless ownership otherwise lawfully changes.

Transmission pole or structure. A pole, tower or other structure that is used in whole or in part to support overhead electric transmission lines.

Wireless act. The Advanced Wireless Infrastructure Deployment Act as codified in F.S. § 337.401(7) (2017).

Wireless facility. Equipment at a fixed location which enables wireless communications between user equipment and a communications network, including radio transceivers, antennas, wires, coaxial or fiber-optic cable or other cables, regular and backup power supplies, and comparable equipment, regardless of technological configuration, and equipment associated with wireless communications. The term includes small wireless facilities. The term does not include:

- (a) The structure or improvements on, under, within, or adjacent to the structure on which the equipment is collocated;
- (b) Wireline backhaul facilities; or
- (c) Coaxial or fiber-optic cable that is between wireless structures or utility poles or that is otherwise not immediately adjacent to or directly associated with a particular antenna. (F.S. § 337.401(7)(b)12).

Wireless infrastructure provider. A person who has been certificated to provide telecommunications service in Florida and who builds or installs wireless communication transmission equipment, wireless facilities, or wireless support structures but is not a wireless services provider. (F.S. § 337.401(7)(b)13).

Wireless provider. A wireless infrastructure provider or a wireless services provider. (F.S. § 337.401(7)(b)14).

Wireless services. Any services provided using licensed or unlicensed spectrum, whether at a fixed location or mobile, using wireless facilities. (F.S. § 337.401(7)(b)15).

Wireless services provider. A person who provides wireless services. (F.S. § 337.401(7)(b)16).

Wireless support structure. A freestanding structure, such as a monopole, a guyed or self-supporting tower, or another existing or proposed structure designed to support or capable of supporting wireless facilities. The term does not include a utility pole. (F.S. § 337.401(7)(b)17). The term is inclusive of "communication tower" as defined in section 1.2.1 of this Code, and does not include a utility pole. Wireless support structures are not permitted in city rights-of-way.



**10.1.3 Applicability. Exclusions.**

All construction and maintenance performed within the public rights-of-way and public easements lying within the City of Altamonte Springs, Florida, unless specifically exempt, are within the purview of this article, regardless of size or extent. Exclusion from any section, or part thereof, in this article does not exclude applicability of the other provisions.

**10.1.4 Right-of-way utilization permit Permit and regulations.**

The form and content of the public right-of-way utilization permit application and the public right-of-way utilization implementing regulations, as prepared by the city engineer, shall be adopted according to administrative procedures as specified in the Altamonte Springs Code Code of Ordinances of the City of Altamonte Springs. These documents shall supplement and communicate the provisions of the article.

**10.1.5 Communications system ordinance.**

The requirements of the Altamonte Springs Communications Systems Ordinance in chapter 29 of the Altamonte Springs Code shall be adhered to for all permit applications for communications systems in the public rights-of-way, including but not limited to insurance, indemnification, and bonding, and the operational rules.

**10.1.6 Communications system registration required.**

Registration with the city is required pursuant to chapter 29 - communication systems, of the Altamonte Springs Code prior to applying for permits to place, occupy, or maintain a communication system in the city public rights-of-way. An applicant shall not be eligible to apply for a permit under this article until such applicant has registered.

**DIVISION 2. PERMITS, REQUIREMENTS AND INSPECTIONS****10.2.1 ~~10.1.5~~ Permit requirements.**

- (a) A public right-of-way utilization permit, hereafter called "permit," shall be approved and issued by the city engineer, or designee. The permit shall be required before any construction is commenced within the public rights-of-way and/or public easements within the city, subject to the permit with the following exclusions: listed in this division.
- ~~(1) Construction which is reviewed and approved as part of a valid building permit issued by the building official.~~
  - ~~(2) Construction which is reviewed and approved as part of the engineering and site plans, pursuant to article VII of this Code.~~
  - ~~(3) Construction which is reviewed and approved as part of the engineering plans in conjunction with the platting of a subdivision according to article V of this Code.~~

- ~~(4) Construction which is reviewed and approved as part of the engineering plans in conjunction with a permit application for excavation, fills and quarries (see article IX of this Code).~~
- ~~(5) Normal maintenance work which does not require closing of a street.~~
- ~~(6) Normal landscape, maintenance, driveway repair, and signalization maintenance work done by public and private parties which does not include the addition or relocation of physical features.~~
- ~~(7) Improvements to or betterment requiring a physical change of existing facilities will require a permit. This does not include routine maintenance or minor segments of an existing utility installation. This provision will allow changes in transformer capacity, wire size of secondary circuits and primary circuits where less than one mile in length is involved, or other similar changes where there is no change in the basic structure. However, a permit will be required for any alteration or addition to the utility installation (other than routine service drops) which will cross a roadway either overhead or underground. Normally, such alterations or additions will not be a basis for requiring relocation of the existing facility. Minor improvements to an existing aerial facility consists of adding pole-mounted apparatus, such as U-guards, transformers, increase wire size, terminals, etc., provided such improvements are within an existing pole line. Minor improvements to an existing buried facility consists of adding apparatus such as meters, valves, drips, vents, wire closures, terminals, etc., to an existing buried cable or pipeline.~~
- ~~(8) A permit is not required for an overhead service drop crossing from an existing over-head utility line. One pole, in the right of way on the opposite side of the street, may also be placed without a permit on existing aerial facilities. This rule shall apply even if a new pole is also required to be set within an existing pole line to support the service drop.~~
- ~~(9) A permit is not required for underground service connections; provided, that it is not necessary to cut pavement, the service connection does not cross the roadway, or provided the length of the service connection does not exceed 300 feet within the right-of-way.~~
- ~~(10) Placing cable or wire within an existing conduit.~~
- ~~(11) When the right-of way is under the control of another governmental agency (county or state), a permit will not be issued by the city; however, the city engineering department shall be provided with a copy of all such permits in compliance with existing procedures now in effect. Exception: Installation or modification of a wireless communication facility within county or state rights-of-way within the city limits.~~
- ~~(12) Power, communication, and gas utility installations that are in new developments, provided the installation is complete prior to the rights-of-way being accepted for maintenance by the city.~~

- ~~(13) Routine maintenance of a wireless communications facility which does not modify the facility from the approved permitted drawings may be performed without a right-of-way utilization permit from the city.~~
- (b) An approved copy of the permit must be in the possession of the work force on site at all times and the permit shall so state.
  - (c) The applicant may acquire a blank copy of the permit application online or at the office of the building/fire safety division of the growth management department.
  - (d) The period of construction shall be so stated on the permit. Construction shall commence within 90 days of the issuance of the permit, except for wireless facilities which shall follow the timeframes provided in division 3 of this article. A permit extension or revision may be granted by the city engineer's office.
  - (e) The permit application form and its required attachments shall constitute the application for permit, and shall be made to the city engineer via the building/fire safety division.
  - (f) The permit application shall comply with the following:
    - (1) The applicant shall be either:
      - a. A bona fide utility corporation or company that will be servicing the installation.
      - b. The responsible contractor for the installation, being a licensed contractor for the type of construction permitted and licensed within ~~Seminole County and Altamonte Springs, Florida.~~
    - (2) The application shall be accompanied by plans signed and sealed by a Florida licensed professional engineer a sketch, not necessarily to scale, showing sufficient detail of the installation and support materials sufficient to demonstrate compliance with the requirements of this article so that the city engineer may confirm compliance with the requirements and determine the impact the installation will have on the public rights-of-way and public easements. Utility construction prints will be acceptable, provided they meet the above objectives.
      - a. For proposed installations on utility poles, a copy of a valid pole attachment agreement or similar instrument shall be provided.
      - b. For proposed installations in public easements, a valid copy of the recorded easement instrument showing that the easement is a public easement that is under the jurisdiction and control of the city for the right to permit the location of utility facilities; provided that the terms and conditions of the easement expressly allow for the proposed use, or any restrictions thereon do not expressly prohibit the use of the particular easement for purposes other than which it was conveyed, dedicated or condemned.

- c. For proposed installations of facilities on behalf of another person, a copy of a valid contract, agreement, authorization or similar instrument shall be provided.
- (3) The application shall comply with all applicable federal, state and city laws, regulations and ordinances as well as the city's "public right-of-way and public easement utilization implementing regulations."
- (4) The permit shall clearly state the terms under which the work is to be carried out, such as "period of closure of street" or "traffic must be maintained at all times."
- (5) The applicant shall be required to certify, prior to making said application, that other rights-of-way users have been notified with a copy of the application and prints.
- (6) Applications involving communications systems shall submit a copy of the communications provider's current valid registration with the city; otherwise, the application shall be considered to be incomplete.
- (7) In addition to the above requirements, applications for wireless communication facilities shall submit the materials as described in division 3 of this article III, division 40, section 3.40.6, wireless communication facilities.
- (g) The permit will be approved or disapproved within ten working days after being received, except for the following exclusions. Permit applications involving a request for a new utility pole will be approved or disapproved within 30 days. Permit applications for wireless facilities will be processed according to the timeframes provided in division 3. Applications which include a waiver request will be processed according to the timeframes provided in section 10.4.1 - waivers. The city engineer shall have authority to grant verbal permission when the need arises. The permittee may receive his permit at the building/fire safety division.
- (h) ~~The permit fee shall be due at the time the permit is issued. Right-of-way permit fees required of an applicant who has a franchise agreement shall be governed by such franchise agreement.~~
- (i) ~~A right-of-way permit shall be required for driveway curb cuts, subject to with the exclusions exceptions stated in this division section 10.1.5 of this article.~~
- (j) ~~All wireless communication facilities (as defined in article I) located in city, county, or state public rights-of-way and public easements within the corporate limits of the City of Altamonte Springs shall be subject to the regulations set forth in article III, division 40, section 3.40.6, wireless communication facilities, and shall require a right-of-way utilization permit from the City of Altamonte Springs prior to the construction, installation, or alteration of a wireless communication facility. Such city permit shall be in addition to any permit requirements of the county or state.~~
- (i) City electrical permits shall be obtained prior to the installation of any electrical meter associated with a facility in the rights-of-way or public easements.

- (i) A city address assignment shall be obtained by the applicant prior to the permitting or installation of any facility that includes an electric meter where an address is required, which shall be posted on the facility. Duke Energy requires that a meter location have an address before it will authorize installation of a meter, and the Seminole County department of public safety's 9-1-1 office requires that an address be assigned to small wireless facilities. The growth management department's planning and development division is responsible for assigning addresses within the city limits.

### **10.2.2 Permit exclusions.**

- (a) Construction which is reviewed and approved as part of a valid building permit issued by the building official.
- (b) Construction which is reviewed and approved as part of the engineering for site plans, pursuant to article IV of this Code.
- (c) Construction which is reviewed and approved as part of the engineering plans in conjunction with the platting of a subdivision according to article V of this Code.
- (d) Construction which is reviewed and approved as part of the engineering plans in conjunction with a permit application for excavation, fills and quarries (see article IX of this Code).
- (e) Normal maintenance work which does not require closing of a street.
- (f) Normal landscape, maintenance, driveway repair, and signalization maintenance work done by public and private parties which does not include the addition or relocation of physical features.
- (g) Improvements to or betterment requiring a physical change of existing facilities will require a permit. This does not include routine maintenance or minor segments of an existing utility installation. This provision will allow changes in transformer capacity, wire size of secondary circuits and primary circuits where less than one mile in length is involved, or other similar changes where there is no change in the basic structure. However, a permit will be required for any alteration or addition to the utility installation (other than routine service drops) which will cross a roadway either overhead or underground. Normally, such alterations or additions will not be a basis for requiring relocation of the existing facility. Minor improvements to an existing aerial facility consists of adding pole-mounted apparatus, such as U-guards, transformers, increase wire size, terminals, etc., but not adding wireless facilities or equipment, provided such improvements are within an existing pole line. Minor improvements to an existing buried facility consists of adding apparatus such as meters, valves, drips, vents, wire closures, terminals, etc., to an existing buried cable or pipeline.
- (h) A permit is not required for an overhead service drop crossing from an existing over-head utility line. One pole, in the right-of-way on the opposite side of the street, may also be placed without a permit on existing aerial facilities. This rule

shall apply even if a new pole is also required to be set within an existing pole line to support the service drop.

- (i) A permit is not required for underground service connections; provided, that it is not necessary to cut pavement, the service connection does not cross the roadway, or provided the length of the service connection does not exceed 300 feet within the right-of-way.
- (j) Placing cable or wire within an existing conduit.
- (k) When the right-of-way is under the control of another governmental agency (county or state), a permit will not be issued by the city; however, the city engineering department shall be provided with a copy of all such permits in compliance with existing procedures now in effect.
- (l) Underground power, communication, and gas utility installations that are in new developments, provided the installation is complete prior to the rights-of-way being accepted for maintenance by the city.
- (m) Refer to division 3 of this article for permit exclusions for wireless facilities.

### **10.2.3 Permit fees.**

The permit fee, when applicable, shall be due at the time the permit is issued. Fees shall be pursuant to the administrative fee schedule in section 2-107 of the Altamonte Springs Code, with the following exceptions:

- (a) *Franchises, including electric and gas.* Right-of-way permit fees required of an applicant who has a franchise agreement shall be governed by such franchise agreement.
- (b) *Communications services.*
  - (1) Pursuant to F.S. § 337.401(3)(c), the city does not require or collect permit fees from any provider of communications services that uses or occupies the city public rights-of-way for the provision of communications services who remits local communications services taxes levied by the city to the Florida department of revenue pursuant to F.S. ch. 202 - the Communications Services Tax Simplification Law.
  - (2) The city may charge fees to pass-through providers that place or maintain a communications facility in the city public rights-of-way an annual amount of \$500 per linear mile or portion thereof, pursuant to F.S. § 337.401(6). A "pass-through provider" is any person who places or maintains a communications facility in the city public rights-of-way and who does not remit taxes imposed by the city pursuant to F.S. ch. 202 so no revenues are directly attributable to subscribers or other carriers within the city. However, this fee shall not be applicable to any communications facility that is used exclusively for the internal communications of an electric utility or other person in the business of transmitting or distributing electric energy.

- (3) Permit fees for facilities related to communications services which do not meet the requirements of subsections (1) or (2), above, shall follow the administrative fee schedule in the Altamonte Springs code.
- (4) It shall be the responsibility of the applicant to provide documentation to the city supporting its eligibility to not pay permit fees pursuant to subsections (1) or (2); otherwise, standard permit fees shall be applied. Such documentation shall be provided through a statement describing whether the applicant provides or intends to provide communications services within the city; whether the applicant is a pass-through provider or intends to have its communications facilities pass through the city; and whether the applicant leases or intends to lease its facilities to others who will be providing communications services within the city.

#### **10.2.4 10-1.6 General regulations.**

- (a) The construction and maintenance of facilities on, above, and below the surface of the public rights-of-way and public easements lying within the city, including light, sound, signs, structures, and wires, which originate or are supported outside the right-of-way or easement, shall comply with the regulations of this article and the "public right-of-way utilization regulations," hereafter called right-of-way regulations.
- (b) All standard operation procedures of the City of Altamonte Springs public works department ~~Public Works Department~~, both existing and future, which pertain to public rights-of-way and public easements lying within the city, shall become a part of this article at the time that they are approved by administrative procedures. Likewise, they shall be incorporated into the right-of-way regulations.
- (c) The primary concern in the design and location of utility ~~and wireless communication facility~~ installations is protection of the roadway facility and the safety of the roadway user, and in all cases, full consideration shall be given to sound engineering principles and economic factors.
- (d) Utilities shall be installed underground in all new developments, and all new installations of utilities in existing developments shall be installed underground. The placement and maintenance of wireless facilities within new developments shall be pursuant to division 3 of this article.
- (e) For the installation of utilities, one side of the right-of-way is usually reserved for communication lines while the other side is reserved for power lines. In cases where more than one utility proposed an installation on the same side of the roadway, a joint-use arrangement must be agreed to by the companies. Pad mounted transformers shall not be located within the city's rights-of-way.
- (f) Electric power lines serving streetlights shall be located underground unless there are existing aerial lines on the host utility pole to serve the streetlight. Only one pole line will be permitted on each side of the right of way. However, a second pole line to support roadway illumination may be allowed where the need for same is properly documented, and provided traffic safety requirements are met.

- (g) Considerations ~~shall~~ should be given to aesthetics by all right-of-way users to avoid unnecessary appurtenances. In all cases, full consideration shall be given to sound engineering principles and economic factors. Final determination of the types of facilities permitted will be based on a cost/benefit analysis of the feasible alternatives.
- ~~(h) Only single pole support systems will be permitted within the rights-of-way. Any exception must be amply justified and approved by the city engineer.~~
- (hi) Where feasible, all longitudinal underground utility facilities should be placed outside of the pavement of main-traveled lanes.
- (ij) Where encasement ~~easement~~ is used, the encasement pipe will have strength equal to or exceeding the carrier pipe.
- (jk) When a utility has determined the existence of an emergency condition, the utility may proceed with necessary work to protect the general public and provide continuity of service. The term "emergency" shall mean a condition that affects the public's health, safety or welfare, which includes an unplanned out-of-service condition of a pre-existing service. The utility shall provide prompt notice to the city engineer of the repair or replacement of a facility in public rights-of-way in the event of an emergency, and shall be required to obtain an after-the-fact permit within thirty (30) days if a permit would have originally been required to perform the work undertaken in the public rights-of-way in connection with the emergency. However, the city engineer should be notified as soon as practical of the emergency action taken.
- (kl) All gas piping to be maintained by public and private utilities must comply with the federal standards as listed in the Florida Public Service Commission Rule 24-12.05, as amended by Order No. 5221 issued by the commission on September 17, 1971, with any subsequent modifications thereto.
- (lm) PVC pipe used in roadway crossings for use as non-pressure conduit intended for direct burial, or concrete encasement, unless otherwise specified, shall have a minimum pipe stiffness of 120 psi at a deflection of 0.2 inches, when tested in accordance with ASTM D-2412. Casing will normally be required for paved roadway crossings of underground utilities where the carrier is of insufficient strength due to composition or depth of cover in accordance with city standard operating procedures.
- (mn) Where it is necessary to place aerial crossings which will interfere with traffic, careful planning of work with regard to the safety of vehicular traffic is mandatory. No temporary supports will be allowed closer than the minimum clearance unless where incorporated within suitable barrier systems. Such temporary construction shall be completed in the minimum time possible as approved in the permit.
- (ne) Any request for exception to the foregoing requirements must be fully justified in writing by the applicant and approved by the city engineer as a waiver.
- (op) Open cutting of existing roadway pavement will generally not be allowed, but may be considered under one or more of the following conditions:



- (1) Subsurface obstructions;
- (2) Extreme high-water table;
- (3) Limited space for jacking pits;
- (4) Condition of roadway surface, including imminent resurfacing and rebuilding;
- (5) Where facility design prohibits;
- (6) Extreme economic hardship.

In any analysis of a request for open cutting, primary consideration will be given to the safety and convenience of the public.

- (pg) Where open cutting has been permitted, replacement of fill, base, and surface will be in accordance with this article, the latest FDOT State of Florida Department of Transportation specifications, or the City of Altamonte Springs public works department ~~Public Works Department~~ standard operating procedures, and/or special provisions for the permit as applicable. When traffic is to be placed on a cut area, a temporary patch with a smooth all-weather surface must be provided.
- (gf) Attachments to structures such as bridges shall be carefully reviewed and may be considered under one or more of the following conditions:
- (1) Will not create a potential hazard;
  - (2) Will not affect the integrity of the structure;
  - (3) Will not adversely affect aesthetics of the structure;
  - (4) Will not hinder maintenance operations.
- (rs) Where attachments are permitted, the following criteria must be adhered to:
- (1) No maintenance will be accomplished from structure. Maintenance must be without hindrance to the public.
  - (2) Utility must maintain clearance equal to that of the structure.
  - (3) Where possible, utility should be in conduit so that maintenance can be accomplished from ends of structure.
  - (4) No consideration will be given to approving flammable fluid pressure lines unless the lines are designed in accordance with and meet the requirements of the regulations promulgated by the federal standards as listed in the Florida Public Service Commission Rule 25-12.05, as amended by Order No. 5221 issued by the commission on September 17, 1971, with any subsequent modifications thereto with Class 4 requirements.
  - (5) All lines carrying flammable transmittants shall be attached in such a manner so as not to extend below the bottom elevation of supporting beams of the bridge structure, and so that the line will have minimum exposure to vehicular damage.

- (6) All attachments to structures will be reviewed in respect to their contribution to any corrosive damage which would lessen the structural integrity of the structure. The attachment should be effectively isolated from the structure so as not to induce corrosion into the structure.
- (7) If other locations are reasonable, attachment to structure will not be allowed. Each attachment will be considered on its own merits.

### **10.2.5 Restoration.**

(t) —All public rights-of-way and public easements shall be restored to their original condition as far as practical, in keeping with the specifications, and in a manner satisfactory to the city engineer. The following guidelines are established for this purpose:

- (a1) At any and all open cut crossings, a minimum of one-way traffic will be maintained during the daylight hours and two-way traffic at night unless special provisions are made on the permit. All traffic detours will be restricted to the limits of rights-of-way with necessary flagman and marking devices. These detours shall be approved by the city engineer.
- (b2) All utility construction and maintenance shall be performed with proper shoring, barricades, and signage in accordance with the Federal Highway Administration's Manual on of Uniform Traffic-Control Devices for Streets and Highways, the regulations of the state industrial safety board, and the FDOT Safety Manual. ~~department of transportation safety manual.~~
- (c3) All side drains, side ditches and storm sewers will be referenced as to grade and location prior to construction.
- (d4) Proper replacement of open cut shall be in accordance with the City of Altamonte Springs public works department ~~Public Works Department~~ standard operating procedures.
- (e5) Temporary patches will be maintained so as to provide a smooth, all-weather surface at all times. Permanent replacements of the temporary patch shall be made as soon as all other work on the installation is completed.
- (f6) Shoring will be required where necessary to protect existing pavement, and must be properly protected and removed.
- (g7) All excavated material in excess of the quantity required for backfill, and unusable material shall be disposed of at the permittee's expense, and not placed within the limits of the public right-of-way or easement unless so directed by the city engineer.
- (h8) At such locations where city signs and reflectors will interfere with proposed construction, the permittee or his consultants will notify the city engineer 24 hours in advance of starting work. All signs and reflectors will be removed or relocated only by city forces. Any signs or reflectors damaged, destroyed, removed, or relocated will be replaced by the city at the expense of the permittee. No private signs of any type will be permitted within the right-of-way.

- (i9) Trees and/or shrubs destroyed during construction are subject to being replaced by the permittee as directed by the city engineer. All debris shall be removed by the permittee at his expense.
- (j10) All directional drilling crossings will be a continuous operation at each location at the proper location and depth. Any deviation from the above will be sufficient grounds for work stoppage, plugging the line with concrete and replacement of a line at the proper location.
- (k14) Grassing and mulching operations, when required, are to begin as soon as fine grading and weather conditions permit, as directed by the city engineer. Any yards or part of the right-of-way in front of private property that has a grass mat shall be re-sodded with like sod.
- (l12) An applicant shall not prune, remove, or irreversibly damage any tree unless such activity is authorized by a permit issued by the city. No tree trimming or pruning shall be permitted to the extent that it would be detrimental to the trees or beyond the minimum needed to facilitate installation and continued service of the facility. The indiscriminate cutting of trees or tree canopy ~~disfiguring of any feature of scenic value~~ shall not be permitted. This includes other methods such as the use of herbicides. The necessary trimming or cutting of trees by utility companies in the interest of public safety or continuity of utility service shall not be considered indiscriminate where such utilities cannot bypass the obstruction without violating the clear roadside policy. This shall not be construed to mean that existing pole lines must be relocated to comply with the above. Proper pruning practices as stated in the National Arborist Association's (NAA) Pruning Standards for Shade Trees shall be followed.

### **10.2.6 Landscaping.**

~~(u)~~ Applications shall depict the trees, tree canopy, and vegetation in the vicinity of the proposed location, and indicate the impacts the construction of the facility will cause to the trees, canopy, and vegetation. All landscaping within public rights-of-way and public easements shall comply with the following provisions:

- (a1) For roadways with speeds less than 40 miles per hour, trees and other hazards are to be at least 18 feet from edge of through lane or at right-of-way line. In curb and gutter sections, trees are to be at the right-of-way line or four feet from face of non-mountable curb to front of tree or other hazard. Trees are not permitted in medians unless special provisions are made and justification given by the permittee.
- (b2) Plants, such as pyracantha, which have berries that attract birds should not be planted.
- (c3) Poison plants shall not be placed within any public right-of-way or public easement.
- (d4) ~~For in order for~~ the city to issue a permit for right-of-way or easement landscaping, a statement in writing as to who will be responsible for the maintenance of the project including watering, fertilizing, pruning, etc., is required. This should be the

adjacent property owner or the appropriate homeowners' association or civic organization.

- (e5) There shall be required a sketch or plan of the proposed work. The permittee should not hold the city responsible for any damage to the plants.
- (f6) All landscaping within the state and county right-of-way shall comply with Seminole County and FDOT Florida Department of Transportation highway beautification and planting regulations.
- (g7) Plants in a median island within 100 feet of a crossover nose shall be kept under 24 inches unless conditions require the above one-hundred-foot length extended.
- (h8) A four-foot mowing strip should be maintained between the plants and the curb or sidewalks. If plants are desired in this mowing strip, they shall be kept under 24 inches.
- (i9) No rock boulders, trees over three inches in diameter, stationary signs or monuments will be allowed in the medians unless placed behind an existing barrier. This is not meant to exclude trees in parkways in residential areas.
- (j10) Persons and equipment maintaining the project are to carry out their work in such a manner as not to obstruct vision or traffic flow.
- (k11) The plantings themselves must be maintained at all times to prevent being a hazard in the safe operation of a vehicle.
- (l12) Trees planted within the right-of-way on high speed and high volume roadways shall be 30 feet from the edge of pavement or at the right-of-way line. Each location will be reviewed for any special requirements.

### **10.2.7 Access control.**

(v) —General access control standards shall be established within the right-of-way regulations. The city engineer shall review curb cuts and establish control of access based upon location, geometric design, traffic operations controls, all of which shall encourage safe and efficient operations, plus provide suitable and sufficient access. The access control considerations in article XI, access control, and engineering and design standards published by the City of Altamonte Springs public works department ~~Public Works Department~~ are to be evaluated and, where deemed necessary, required by the city engineer.

### **10.2.8 40-1.7 Utility accommodation.**

- (a) The placement of utilities within the public rights-of-way and public easements shall be placed in accordance with all applicable codes and current industry standards. All accommodation within the FDOT State of Florida Department of Transportation maintained right-of-way shall be in accordance with the ~~Department of Transportation~~ FDOT Utility Accommodation Manual Guide. All accommodations within the county-maintained roadways shall be in accordance with Seminole County accommodations practices ~~Accommodations Practices~~. All

other installations within the city-maintained roadways shall be in accordance with this article.

- (b) As far as mechanically possible, the accommodations as described below or as required by the city shall be followed for public right-of-way and public easement utilization within the city with the exception above.
- (c) The following general provisions shall be followed:
  - (1) ~~Light poles: At least 18 feet from edge of pavement or at right of way line. Poles permitted to within 12 feet from edge of through pavement, provided frangible base is used, or behind barrier. A minimum distance of six feet will be required from the edge of pavement on deceleration and acceleration lanes. Where design permits, fourteen-foot clearance shall be used. In curb and gutter section, at right of way line or four-foot minimum from face of non-mountable curb to front of pole. Median location will be approved only if the distance to the pole is 18 feet from edge of pavement, or 12 feet with frangible base or behind barrier (edge of pavement does not include shoulder pavement).~~
  - (12) ~~Utility poles, Fire fire hydrants and similar structures, etc.: At right-of-way line, poles may be located up to six and one-half feet from right-of-way line, provided, that they are at least 18 feet from edge of pavement; and in curb and gutter section, at right of way line or four feet minimum from face of non-mountable curb to front of pole. Poles not permitted in median (edge of pavement does not include shoulder pavement) except for temporary construction purposes, where incorporated within a suitable barrier system.~~
  - (23) ~~Underground (parallel): Minimum vertical clearance 36 inches below top of roadway pavement and 36 inches minimum cover below existing ground.~~
  - (34) ~~Crossings (aerial): Shall be in accordance with the National Electric Safety Code, and a minimum of 18 feet over roadways.~~
  - (45) ~~Crossings (underground): Minimum vertical clearance 36 inches below top of roadway pavement and 36 inches below ground line, including ditch grade.~~
- (de) ~~Devices such as signal-strain poles, fire hydrants, above ground closures, and other items whose construction and size would cause extensive damage to a vehicle if struck are to be located according to the standards for utility poles in section 10.2.9.~~
- (ef) ~~For the purpose of this article, frangible base poles will be accepted as bases in accordance with the latest FDOT index, Department of Transportation Index Number 9623 (including later revisions), approved slip-type base, or aluminum poles eight inches outside diameter with 0.188 inch wall thickness and mounted on cast aluminum flange bases, alloy 356-T6 and 356-F.~~
- (fg) ~~On projects where a the four-foot minimum offset from the face of non-mountable curb would place the utility or other obstruction in substantial conflict with the sidewalk and, in the case of power poles, would create an unreasonable conflict~~

with requirements of the National Electrical Safety Code and other alternatives are deemed impractical, the minimum may be reduced to two and one-half feet from face of non-mountable curb. Each case where this deviation is proposed must be supported on an individual basis and approved as a waiver by the city engineer.

- (gh) Where possible, excavation will not be allowed within four feet of the edge of the pavement. This will necessitate that the utility be placed a sufficient distance from the pavement and excavation where this requirement imposes a hardship on the utility due to narrow distance between the back of curb and the right-of-way or edge of sidewalk, the utility may place their facilities within two feet of the back of curb with special approval from the city engineer.
- (hi) All utilities are to be installed in accordance with the latest editions of the federal standards as listed in Florida Public Service Commission Rule 25-12.05 as amended by Order No. 5221 issued by the commission on September 17, 1971, with any subsequent modifications thereto, the National Electric Code, the National Electrical Safety Code, the FDOT Utilities Accommodation Guide, the FDOT's State of Florida Department of Transportation's Standard Specifications for Road and Bridge Construction, the FDOT State of Florida Department of Transportation's Safety Manual, the State of Florida Manual of Uniform Minimum Standards for Design Construction and Maintenance for Streets and Highways, the Federal Highway Administration's Manual on Uniform Traffic Control Devices for Streets and Highways, State of Florida Department of Transportation Uniform Manual on Traffic Control Devices, and city standards, and such other design or regulatory manuals which regulate the installation of structures within public rights-of-way.
- (ij) These criteria shall not be applied to a minor segment of an existing utility installation in such a manner as to result in misalignment of the installation or adjustment of the entire installation.
- (jk) The roadside clearances for aboveground utility facilities shall be consistent with those clearances applicable to other obstacles on the type of highway involved, reflecting good engineering and economic consideration.
- ~~(l) In exposed areas, fragile or breakaway light standards should be considered to the extent practical. Where location is not exposed, consideration can be given to other type standards. Where feasible and practical, luminaries may be attached to utility poles which otherwise meet offset criteria.~~
- (lm) Where excessive deterioration to pavement and shoulder or violation of the clear roadside policy and potential safety hazard results from the improper placement of mail boxes within the right-of-way, the city shall reserve the right to enforce the U.S. Postal Regulations and good practice.

### **10.2.9 Placement and maintenance of utility poles.**

The subsections within this section address the general requirements for utility poles and similar structures, utility poles and undergrounding requirements, and utility poles for communications facilities.

10.2.9.1. General requirements for utility poles and similar structures. The requirements of this subsection shall apply to all utility poles and similar structures.

- (a) The placement and maintenance of utility poles within public rights-of-way shall be in accordance with all applicable codes, current industry standards, and this article.
- (b) Only single-pole support systems will be permitted within the rights-of-way. Any exception must be justified and approved by the city engineer as a waiver.
- (c) Aerial crossings shall be in accordance with the National Electric Safety Code, and a minimum of 18 feet over roadways. Where it is necessary to place aerial crossings which will interfere with traffic, careful planning of work with regard to the safety of vehicular traffic is mandatory. No temporary supports will be allowed closer than the minimum clearance unless where incorporated within suitable barrier systems. Such temporary construction shall be completed in the minimum time possible as approved in the permit.
- (d) Only one pole line will be permitted on each side of the right-of-way. However, a second pole line to support roadway illumination may be allowed where the need for same is properly documented and provided traffic safety requirements are met. All poles must be aligned with the established pole line.
- (e) As far as mechanically possible, the standards as described below or as required by the city shall be followed for public right-of-way and public easement utilization within the city.
- (f) The following general provisions shall be followed:
  - (1) Placement of light poles in urban roadway sections with curb and gutter, at right-of-way line or four (4) feet minimum from face of non-mountable curb to front of pole. Median location will be approved only if the distance to the pole is four (4) feet minimum from the face of non-mountable curb, or two and one-half (2½) feet with frangible base or behind barrier. In rural roadway sections without curb and gutter, poles shall be at least 14 feet from edge of pavement or at right-of-way line. Poles permitted to within 10 feet from edge of through pavement, provided frangible base is used, or behind barrier. A minimum distance of six (6) feet will be required from the edge of pavement on deceleration and acceleration lanes. Where design permits, 10-foot clearance shall be used.
  - (2) Placement of utility poles and similar structures in urban roadway sections with curb and gutter, at right-of-way line or four (4) feet minimum from face of non-mountable curb to front of pole. Median location will be approved only if the distance to the pole is four (4) feet minimum from the face of non-mountable curb provided a frangible base is used. In rural roadway sections without curb and gutter, poles shall be at right-of-way line. Poles may be located up to six and one-half (6½) feet from right-of-way line, provided that they are at least 14 feet from edge of pavement.
  - (3) Utility poles shall be at least 60 inches from the front of fire hydrants and 36 inches from any other side of a fire hydrant.

- (4) A new utility pole shall be located a minimum of 10 feet from driveways and 25 feet from traffic signal poles.
- (5) In residential areas, pole placement should be at the common property line of the parcels that abut the public rights-of-way.
- (6) In residential areas, pole placement shall not impair the view from a primary residential structure. Should the city determine that a proposed location does not meet this requirement, the city may offer alternative locations to achieve conformance.
- (7) In non-residential areas, if no on-site parking or loading spaces exist in front of the front or principal façade of a business, a pole should be placed in-line with the common, interior side lot or suite lines if said front or principal façade is within 20 feet of the property line.
- (8) A new utility pole shall be located equidistant between existing utility poles in the same alignment unless doing so results in an impermissible distance limitation for one of the above criteria.
- (9) Notwithstanding the above, the city engineer may require greater setbacks from structures in the right-of-way to ensure proper sight lines for public safety purposes.
- (g) Devices such as signal-strain poles and other items whose construction and size would cause extensive damage to a vehicle if struck are to be located according to the standards for utility poles.
- (h) On projects where a four (4) foot minimum offset from the face of non-mountable curb would place the utility or other obstruction in substantial conflict with the sidewalk and, in the case of power poles, would create an unreasonable conflict with requirements of the National Electrical Safety Code and other alternatives are deemed impractical, the minimum may be reduced to two and one-half (2½) feet from face of non-mountable curb. Each case where this deviation is proposed must be supported on an individual basis and approved by the city engineer as a waiver.
- (i) Where possible, excavation will not be allowed within four feet of the edge of the pavement. This will necessitate that the utility be placed a sufficient distance from the pavement and excavation where this requirement imposes a hardship on the utility due to narrow distance between the back of curb and the right-of-way or edge of sidewalk, the utility may place their non-pole facilities within two feet of the back of curb with special approval from the city engineer.
- (j) All utility poles are to be installed in accordance with, as applicable, the latest editions of the federal standards as listed in Florida Public Service Commission Rule 25-12.05 as amended by Order No. 5221 issued by the commission on September 17, 1971, with any subsequent modifications thereto, the National Electrical Safety Code, the state of Florida department of transportation's standard specifications for road and bridge construction, state of Florida department of transportation's safety manual, the federal highway administration's uniform manual on traffic control devices, and city standards.



- (k) These criteria shall not be applied to a minor segment of an existing utility installation in such a manner as to result in misalignment of the installation or adjustment of the entire installation.
- (l) The roadside clearances for aboveground utility facilities shall be consistent with those clearances applicable to other obstacles on the type of highway involved, reflecting good engineering and economic consideration.
- (m) For the purpose of this article, frangible base poles will be accepted as bases in accordance with the latest FDOT index, approved slip-type base, or aluminum poles eight inches outside diameter with 0.188 inch wall thickness and mounted on cast aluminum flange bases, alloy 356-T6 and 356-F.
- (n) In exposed areas, fragile or breakaway light standards should be considered to the extent practical. Where location is not exposed, consideration can be given to other type standards. Where feasible and practical, luminaries may be attached to utility poles which otherwise meet offset criteria.

#### 10.2.9.2 Utility poles and undergrounding requirements.

- (a) The city has undergone and continues to undergo great expense to place utility facilities underground in activity centers, including the Uptown Altamonte area of the regional business center. There are also areas of the city outside of activity centers where utilities providing telecommunications and electric service are underground and no utility poles exist for such services in the rights-of-way or public easements. The city has a public interest in minimizing aesthetic impacts associated with structures in the rights-of-way, enhancing traffic, bicycle, and pedestrian safety, and managing limited right-of-way land area, especially in pedestrian oriented urban areas planned for higher densities and intensities. Accordingly, in those areas of the city where utilities providing telecommunications and electric service are underground and/or no utility poles exist for such services in the public rights-of-way or easements, the placement and maintenance of new utility poles for wireline telecommunications or electric service shall not be permitted. This restriction is consistent with the requirements of the Altamonte Springs Utility System Ordinance and the Altamonte Springs Communications Systems Ordinance in chapters 26½ and 29 of the Altamonte Springs Code, respectively.
- (b) Notwithstanding the utility pole restriction in paragraph (a), the city recognizes that wireless facilities cannot be deployed underground given the propagation characteristics of wireless signals. Requests for the placement of new utility poles in the public rights-of-way to support small wireless facilities may be considered by the city in those areas where there are no existing utility poles as provided in subsection 10.2.9.3 - utility poles for communications facilities. However, the foregoing exception shall not apply to Cranes Roost Boulevard, from East Altamonte Drive (State Road 436) to Festival Drive.

10.2.9.3 Utility poles for communications facilities. Utility poles for communications facilities shall follow the requirements provided in this subsection in addition to the other requirements of this section.

(a) The Altamonte Springs Communications Systems Ordinance in chapter 29 of the Altamonte Springs Code contains requirements for the use of the city's public rights-of-way by communications providers, and establishes objectives regarding joint or shared use of existing poles and other facilities (Altamonte Springs Code sections 29-52(d) and 29-53(i)) and requirements for underground construction for new communications facilities (section 29-55). This subsection describes how the policies of the communications systems ordinance shall be implemented for right-of-way utilization permit applications for communications facilities that include utility poles and similar structures.

(1) As provided in chapter 29 of the Altamonte Springs Code and subsection 10.2.9.2 of this article, the placement or maintenance of communications facilities shall be underground unless otherwise approved by the city engineer through a right-of-way utilization permit. If approved by the city engineer, the placement of a utility pole or the 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 if the city determines that the interest of the public welfare, health, or safety would be enhanced, or as otherwise authorized by law.

(2) A new utility pole or above-ground support structure in the public rights-of-way may be requested for the following situations, subject to the requirements of this subsection and the utility pole restrictions and exceptions contained in subsection 10.2.9.2.

a. Within public rights-of-way and public easements:

1. The installation of a new pole line to support aerial wireline facilities.
2. The installation of a new (not replacement) utility pole or poles within an existing pole line of aerial wireline facilities to support aerial wires.

b. Within public rights-of-way:

1. The situations described in paragraph a., above,
2. The installation of a new (not replacement) utility pole within an existing pole line of aerial wireline facilities to act as a support pole for a wireless facility and which also supports aerial wires.
3. The installation of a non-wireline utility pole to support a wireless facility, with no aerial wireline facilities attached.

- (3) In those areas of the city where utility poles for telecommunications or electric service exist, follow paragraph (1). In those areas where utility poles for such services do not exist, follow paragraph (2).
- a. In those areas of the city where utilities providing telecommunications or electric service have existing utility poles, communications services providers shall endeavor to locate their wireline and wireless facilities on existing utility poles via pole attachments or by entering into use agreements with the owners of the existing poles rather than installing new utility poles. Requests to install new poles for wireline or wireless facilities shall follow the requirements of paragraph (4), below.
- b. In those areas of the city where utilities providing telecommunications or electric service do not have existing utility poles, communications services providers shall locate wireline facilities underground, and shall endeavor to locate wireless facilities on existing utility poles via pole attachments or by entering into use agreements rather than installing new utility poles. Requests to install non-wireline utility poles to support wireless facilities shall follow the requirements of paragraph (4), below.
- (4) In order to implement the city's intent to minimize the negative aesthetic impact and potential conflicts with other mobility and utility uses occurring within the city's public rights-of-way and public easements presented by new poles and to maximize location context, color compatibility, stealth, and concealment objectives through the requirements contained herein, any application for the installation of a new utility pole to support a communications facility within the public rights-of-way or public easements shall first attempt to locate such facility on an existing utility pole, or to replace an existing utility pole with a joint use or shared use facility. Only when an applicant can demonstrate that no existing utility pole is reasonably feasible to locate the communications facility will the installation of a new utility pole be considered. To assist the city engineer in determining whether an existing utility pole or other facility is reasonably feasible for shared use, the applicant may provide the city engineer with information related to the review criteria listed below and any other support material the applicant believes may be helpful in describing or evaluating the request. The city engineer may approve, approve with conditions, or deny the installation of a new utility pole for communications facilities in the right-of-way or public easements based on one or more of the following review criteria:
- a. There are no existing utility poles within 500 feet of the proposed communications facility.
- b. Utility poles exist within 500 feet of the proposed communications facility, but one or more of the following conditions would occur:

1. Placement on an existing or replacement utility pole would significantly limit or impede the function or coverage area of the proposed communications facility.
  2. Existing or replacement utility poles or structures located within the geographic area of the proposed communications facility would not meet the engineering requirements of the applicant.
  3. The existing utility pole owner has denied access to existing and potential replacement poles on the basis of insufficient capacity or for reasons of safety, reliability, or generally applicable engineering purposes.
  4. Placement on an existing or replacement utility pole would result in a nuisance or unsafe condition.
- c. The proposed new utility pole location would comply with general requirements for utility poles and similar structures contained in subsection 10.2.9.1 and the utility poles and undergrounding requirements in subsection 10.2.9.2.
  - d. The proposed utility pole would comply with the standards for new utility poles in this subsection.
  - e. The proposed new utility pole location would comply with any greater setbacks from structures in the right-of-way that may be required by the city engineer to ensure proper sight lines for public safety purposes.
- (b) Replacement wireline utility pole standards.

An existing utility pole that is used for wireline communications facilities may be removed and replaced with a replacement utility pole for the purposes of attaching or supporting communications facilities subject to the following requirements. Replacement utility poles for wireless facilities are excluded from these requirements and shall instead follow the standards in division 3 of this article.

- (1) Utility pole standards: A replacement utility pole shall conform to the general requirements for utility poles and similar structures in subsection 10.2.9.1. In the event of any conflict, the standards contained herein shall prevail.
- (2) Similarity to existing pole: A new utility pole that replaces an existing utility pole shall be of substantially similar design, material, and color as the original pole. However, conversion of a wood utility pole to concrete or metal is preferred. If the original pole is part of a planned project by the owner of the pole to replace poles, the replacement pole must conform to the updated design, color, and material.
- (3) Location: The replacement utility pole must be in substantially the same location and continue to serve primary function as original pole. In order to

qualify as a replacement utility pole, the original pole shall be removed so that there is not a net increase in the number of utility poles located within that particular area of the public right-of-way.

- (4) Height: A replacement utility pole shall be the same height as the original pole; however, in situations where the replacement utility pole would not be higher than the original utility pole, the height of the replacement pole may be increased up to five (5) feet through a waiver if necessary for capacity or for reasons of safety, reliability, or generally applicable engineering purposes.
- (5) Internal channel: Non-wood replacement poles such as aluminum, fiberglass or other structural synthetic material, concrete, etc. shall be capable of accommodating an internal chase, and all wiring shall be interior to pole.

(c) New wireline utility pole standards.

New (not replacement) utility poles for both wireline and wireless communications facilities that are proposed to be located within a wireline pole line shall be subject to the following requirements.

- (1) Approval for new pole placement. The installation of a new utility pole must have been approved by the city engineer as provided in paragraph (a)(4).
- (2) Utility pole standards: A new utility pole shall conform to the general requirements for utility poles and similar structures in subsection 10.2.9.1. In the event of any conflict, the standards contained herein shall prevail.
- (3) Pole color and material. Pole color and material shall be consistent in design, material, and color to the existing poles in the same pole line in the same right-of-way or easement within 500 feet of the proposed new pole. However, conversion of a wood utility pole to concrete or metal is preferred.
- (4) Pole height. A new utility pole shall be the same height as the existing utility poles located in the same right-of-way or easement, other than a utility pole for which a waiver has previously been granted, measured from grade in place within 500 feet of the proposed location of the new pole. However, in situations where the new utility pole would not be higher than the existing utility poles, the height of the replacement pole may be increased up to five (5) feet through a waiver on the basis of capacity or for reasons of safety, reliability, or generally applicable engineering purposes, or if reasonably necessary to accommodate separation requirements for a top mounted antenna.
- (5) Internal channel. Non-wood utility poles such as aluminum, fiberglass or other structural synthetic material, concrete, etc. shall be capable of accommodating an internal chase, and all wiring shall be interior to pole.
- (6) Wireless facilities. Wireless facilities attached to or associated with a new wireline utility pole shall comply with the requirements of division 3 of this article. If the new utility pole is associated with a wireless facility, one permit

application may be submitted for both facilities and the application shall follow the permit application procedures and timeframes in division 3 of this article.

(d) New non-wireline utility pole standards.

New utility poles for communications facilities that are not located within a wireline pole line shall conform to the following standards.

- (1) Approval for new pole placement. The installation of a new utility pole must have been approved by the city engineer as provided in paragraph (a)(4).
- (2) Utility pole standards: The utility pole shall conform to the general requirements for utility poles and similar structures in subsection 10.2.9.1. In the event of any conflict, the standards contained herein shall prevail.
- (3) Pole color and material. The utility pole shall be either black metal, black fiberglass or other structural synthetic material, or concrete. In public rights-of-way where decorative streetlights exist, new utility poles shall match the style, design, and color of the streetlight poles.
- (4) Pole height. A new non-wireline utility pole shall be the same height as the existing utility poles located in the same right-of-way or easement, other than a utility pole for which a waiver has previously been granted, measured from grade in place within 500 feet of the proposed location of the new pole. If there is no utility pole within 500 feet, the height of the utility pole shall be limited to 35 feet.
- (5) Internal channel. The utility pole shall be capable of accommodating an internal chase so that all wiring shall be interior to pole.
- (6) Pole alignment.
  - a. In areas where there are no existing telecommunications or electric utility poles, new poles shall be located on the same side of the street as existing streetlights.
  - b. In areas where there is an existing overhead conflict, such as by transmission poles with distribution or communication attachments underbuilt, a new utility pole to support a wireless facility may be authorized to be located on the opposite side of the street.
- (7) Wireless facilities. Wireless facilities attached to or associated with a non-wireline utility pole shall comply with the requirements of division 3 of this article. If the non-wireline utility pole is associated with a wireless facility, one permit application may be submitted for both facilities and the application shall follow the permit application procedures and timeframes in division 3 of this article.

**10.2.10 10.1.8 Inspection.**

- (a) The city engineer or his designated representative shall be responsible for inspecting work within the scope of these provisions to see that the rights-of-way

and public easements are restored properly, and that ~~wireless communication facilities~~ have been installed consistent with city approvals.

- (b) The permittee shall inform the city engineer's office of the date of construction and arrange a pre-work conference if deemed necessary by the city engineer.
- (c) The permittee shall have all materials covered by city standard operating procedures and the right-of-way regulations inspected before being laid, concealed or covered.
- (d) The permittee shall inform the city engineer's office at the time backfill or any other process which should be monitored is occurring, and provide any requested reports. This means that the laying and simultaneous covering of power cables, telephone cables, television cables and gas mains is allowed outside the pavement.
- (e) The job shall be inspected against the provisions of the permit and the city engineer shall not issue a certificate of completion until all such provisions are met, and any required tests are performed and accepted.

#### **10.2.11 ~~40.1.9~~ Operational safety.**

- (a) The city engineer shall disapprove any curb cut or access which will constitute a public hazard or institute excessive conflicts to traffic flow.
- (b) The director of public works shall authorize a "stop work" order in the interests of safety as provided in division 4 of this article. ~~into effect upon any permittee who is committing or creating unsafe acts which may create public hazard or who is not complying with the provisions of the permit and this article until such time as these matters are corrected. The city shall not be held responsible for any damages, as a result of this action, by the permittee.~~
- (c) Any existing curb cut which fails to provide for smooth flow of traffic on and/or off the right-of-way and traveled way shall be closed by the city until repaired. The public works department shall make such closure 30 days after written notification of the property owner by registered mail. If arrangements for correction are made within this thirty-day period and a permit issued, the curb cut shall not be closed.

#### **10.2.12 Maintenance.**

All facilities shall be placed or maintained so as not to unreasonably interfere with the use of the public rights-of-way by the public.

- (a) All facilities shall be maintained consistent with city approvals, the requirements of the Altamonte Springs Code and the Land Development Code, and in good repair, including exterior finishes, surfaces and structures. Damaged facilities shall be repaired, removed, or replaced.
- (b) In the case of a hazard, damaged poles or facilities shall be immediately repaired, removed, or replaced. Within public rights-of-way, in the event that damage to a

facility or equipment poses a safety hazard to the public, the city has a right of removal at the owner's expense.

- (c) All safety practices required by applicable law or accepted industry practices and standards shall be used during the placement and maintenance of facilities and equipment.

### **DIVISION 3. WIRELESS COMMUNICATIONS FACILITIES**

#### **10.3.1 Applicability.**

- (a) This division shall apply to wireless communications facilities placed or maintained in public rights-of-way pursuant to the wireless act in which the city is the authority having jurisdiction, to include those Seminole County rights-of-way in which the city is the permitting authority pursuant to an interlocal agreement.
- (b) This division is not applicable to wireless facilities located in easements or on property outside of the public rights-of-way. Persons seeking to place or maintain wireless facilities on property not within and exclusive of the public rights-of-way shall comply with the requirements of applicable articles of this Code, to include but not be limited to article III, division 40.
- (c) This division is not applicable to small wireless facilities owned by the city or by a person to the extent such facilities are utilized on an internal, non-commercial basis by said person.
- (d) By adopting this division, the city does not waive any rights with respect to F.S. § 337.401(7) including any rights that may exist under federal law, the Florida Constitution and the U.S. Constitution. In the event F.S. § 337.401(7) is revised, amended, or overturned by a court of competent jurisdiction, or preempted by applicable federal law or regulation in whole or in part, provisions of this division may no longer apply.
- (e) Wireless facilities that were legally permitted by the city on or before July 11, 2017, the effective date of city resolution 1336 establishing a moratorium on matters addressed by F.S. § 337.401(7) pending adoption of a regulating ordinance, shall be considered legal installations, allowed to continue their usage as they were originally permitted. Existing installations that were legally permitted but which do not comply with the requirements of this division shall be considered legally non-conforming.
- (f) The approval of the installation, placement, maintenance, or operation of a small wireless facility pursuant to this article does not authorize the provision of any voice, data, or video communications services or the installation, placement, maintenance, or operation of any communications facilities other than small wireless facilities in the right-of-way. (F.S. § 337.401(7)(m)).



**10.3.2 Wireless facilities allowed in public rights-of-way.**

- (a) Only the following wireless facilities may be placed or maintained within the city's public rights-of-way, subject to the requirements of this division:
- (1) Micro wireless facilities suspended on cable strung between existing structures.
  - (2) Collocated wireless facilities:
    - a. Small wireless facilities collocated on existing utility poles or replacement poles that are privately owned or owned by the Altamonte Electric Utility.
    - b. Small wireless facilities collocated on existing city utility poles or replacement city utility poles.
  - (3) Non-collocated wireless facilities:
    - a. Small wireless facilities located on new utility poles without collocation, when permitted pursuant to the regulations addressing utility poles for communications facilities in subsection 10.2.9.3.
    - b. Small wireless facilities located on new utility poles in an existing wireline pole line, when permitted pursuant to the regulations addressing utility poles for communications facilities in subsection 10.2.9.3.
- (b) Only the wireless facilities identified above shall be authorized in the rights-of-way. The approval of a wireless facility pursuant to this division does not authorize the installation, placement, maintenance, or operation of any other type of communications facilities in the public rights-of-way other than as expressly contemplated in any application made and approved under this division.
- (c) Collocation of wireless facilities on electric utility poles for an electric distribution system located in the city public rights-of-way pursuant to a valid franchise agreement with the city, and any utility poles not for an electric distribution system placed or maintained by a city franchised utility in the public rights-of-way, will be governed by the applicable provisions of this division.
- (d) Wireless support structures, telecommunications towers, and other wireless facilities, including but not limited to an antenna that is not part of a small wireless facility or micro wireless facility shall not be allowed to be placed or maintained in the public rights-of-way.
- (e) This division does not permit a person to collocate or attach a micro wireless facility on a privately owned utility pole, a utility pole owned by an electric cooperative, the Altamonte Electric Utility or any other municipal electric utility, a privately owned wireless support structure, or other private property without the consent of the property owner. (F.S. § 337.401(7)(I)).
- (f) This division does not authorize a person to collocate small wireless facilities or micro wireless facilities on a city utility pole or erect a wireless support structure in

a location subject to covenants, conditions, restrictions, articles of incorporation, and bylaws of a homeowners' association. This paragraph does not apply to the installation, placement, maintenance, or replacement of micro wireless facilities on any existing and duly authorized aerial communications facilities. (F.S. § 337.401(7)(q)). This paragraph shall be construed to apply to locations where such restrictions are applicable to the public rights-of-way

### **10.3.3 Permit requirements and exclusions.**

#### 10.3.3.1 Permit requirements.

- (a) It shall be unlawful for any person to install any wireless communications facility in public rights-of-way without first obtaining a written permit from the city, except for those exclusions specifically listed in this section.
- (b) Permits shall apply only to the areas of the public rights-of-way specifically identified in the application and approved for the permit.
- (c) A permit issued pursuant to an approved application for collocation shall remain effective for one (1) year unless extended by the city engineer. (F.S. § 337.401(7)(d)8). In addition, a permit for non-collocated small wireless facilities, a replacement utility pole, and the installation of a new utility pole in the public rights-of-way designed to support a wireless facility shall also remain effective for one (1) year.

10.3.3.2 Permit exclusions. A permit shall not be required for the activities listed below. Notwithstanding the exclusions listed herein, the city may require a right-of-way permit for work that involves excavation, closure of a sidewalk, or closure of a vehicular lane. (F.S. § 337.401(7)(e)).

- (a) Routine maintenance of wireless facilities. (F.S. § 337.401(7)(e)). To qualify for a permit exclusion, the existing wireless facility shall have been authorized by a city permit to be located within public rights-of-way, if required by this division or other applicable regulations.
- (b) Replacement of existing wireless facilities with wireless facilities that are substantially similar or of the same or smaller size (F.S. § 337.401(7)(e)). To qualify for a permit exclusion, the existing wireless facility shall have been authorized by a city permit to be located in the right-of-way, if required by this division or other applicable regulations.
- (c) Installation, placement, maintenance, or replacement of micro wireless facilities that are suspended on cables strung between existing utility poles in compliance with applicable codes by or for a communications services provider authorized to occupy the rights-of-way and who is remitting taxes under F.S. ch. 202. (F.S. § 337.401(7)(e)).

### **10.3.4 Permits for related underground facilities.**

Underground facilities related to a communications facility, such as fiber optic lines, shall require a separate right-of-way utilization application and permit, and shall comply with the requirements applicable to the proposed scope of work.

### **10.3.5 Permit application procedures.**

10.3.5.1 Application submittal. The requirements of this subsection shall apply to all applications.

- (a) Permit applications filed with the city shall be submitted to the growth management department's building/fire safety division for review by the public works department. Once an application has been approved, permits are issued by the building/fire safety division.
- (b) An applicant for a permit to locate or collocate small wireless facilities shall be a wireless provider as defined in this article. (F.S. § 337.401(7)(b)3).
- (c) The permit application form and its required information and attachments shall constitute the application for permit. The required information and attachments shall consist of plans signed and sealed by a Florida licensed professional engineer showing sufficient detail of the installation and support materials sufficient to demonstrate compliance with the requirements of this article so that the city engineer may confirm compliance with the requirements and determine the impact the installation will have on the public rights-of-way. Utility construction prints for the plans will be acceptable, provided they meet the above objectives. In addition, the required information and attachments shall include the items listed on any submittal checklist that supplements the permit application form.
- (d) Applications shall include a copy of the applicant's current valid registration with the city; otherwise, the application shall be considered to be incomplete.
- (e) For proposed installations on or attachment to non-city utility poles and AEU poles, a copy of a valid pole attachment agreement or similar instrument shall be provided. For proposed installations of poles or facilities on behalf of another person, a copy of a valid contract, agreement, authorization or similar instrument shall be provided. Failure to provide such documentation shall cause the application to be incomplete.
- (f) An applicant seeking to collocate small wireless facilities within the jurisdiction of the city may, at the applicant's discretion, file a consolidated application and receive a single permit for the collocation of up to 30 small wireless facilities. If the application includes multiple small wireless facilities, the city may separately address small wireless facility collocations for which incomplete information has been received or which are denied. (F.S. § 337.401(7)(d)10). Applications involving the installation of a new (not replacement) utility pole are not eligible to be included in a consolidated application for collocations.
- (g) Permit fees pursuant to section 10.2.3, if applicable, shall be due at the time the permit is issued.

10.3.5.2 Collocation application requirements. Pursuant to the wireless act, this subsection shall apply to applications for collocation. (F.S. § 337.401(7)(d)). The city shall accept applications for permits to collocate small wireless facilities and shall process and issue permits subject to the following requirements:

- (a) The city shall not directly or indirectly require an applicant for collocation to perform services unrelated to the collocation for which approval is sought, such as in-kind contributions to the city, including reserving fiber, conduit, or pole space for the city. (F.S. § 337.401(7)(d)1).
- (b) An applicant for collocation shall not be required to provide more information to obtain a permit than is necessary to demonstrate the applicant's compliance with applicable codes for the placement of small wireless facilities in the locations identified in the application. (F.S. § 337.401(7)(d)2).
- (c) With regard to requests for permits for collocation, the city shall not require the placement of small wireless facilities on any specific utility pole or category of poles or require multiple antenna systems on a single utility pole. (F.S. § 337.401(7)(d)3).

10.3.5.3 Application review process. The review process and timeframes in this subsection shall apply to applications for collocation (F.S. § 337.401(7)(d)), as well as the installation of a replacement utility pole in the public rights-of-way designed to support a small wireless facility (F.S. § 337.401(7)(d)6 and § 337.401(7)(j)).

- (a) Within 14 calendar days after receiving an application, the city shall determine and notify the applicant by electronic mail as to whether the application is complete. If an application is deemed incomplete, the city shall specifically identify the missing information. An application is deemed complete if the city fails to provide notification to the applicant within 14 days. (F.S. § 337.401(7)(d)7).
- (b) Applications shall be processed on a nondiscriminatory basis. A complete application for collocation is deemed approved if the city fails to approve or deny the application within 60 calendar days after receipt of the application. If the city does not use the 30-day negotiation period provided in subsection 10.3.5.4, the parties may mutually agree to extend the 60-day application review period. The city shall grant or deny the application at the end of the extended period. (F.S. § 337.401(7)(d)8).
- (c) The city shall notify the applicant of approval or denial by electronic mail. If the application is denied, the city shall specify in writing the basis for denial, including the specific code provisions on which the denial was based, and send the documentation to the applicant by electronic mail on the day it denies the application. The applicant may cure the deficiencies identified by the city and resubmit the application within 30 calendar days after notice of the denial is sent to the applicant. The city shall approve or deny the revised application within 30 calendar days after receipt or the application is deemed approved. Any subsequent review shall be limited to the deficiencies cited in the denial. (F.S. § 337.401(7)(d)9).

10.3.5.4 Alternative location negotiation process. The alternative location negotiation process in this subsection shall apply to applications for collocation (F.S. § 337.401(7)(d)).

- (a) The city may not limit the placement of small wireless facilities by minimum separation distances. However, within 14 days after the date of filing the application for collocation, the city may request that the proposed location of a small wireless facility be moved to another location in the right-of-way and placed on an alternative city utility pole or support structure or replacement utility pole.
- (1) The city and the applicant may negotiate the alternative location, including any objective design standards and reasonable spacing requirements for ground-based equipment, for 30 days after the date of the request.
- (2) At the conclusion of the negotiation period, if the alternative location is accepted by the applicant, the applicant must notify the city of such acceptance and the application shall be deemed granted for any new location for which there is agreement and all other locations in the application. If an agreement is not reached, the applicant must notify the city of such nonagreement and the city must grant or deny the original application within 90 days after the date the application was filed.
- (3) A request for an alternative location, an acceptance of an alternative location, or a rejection of an alternative location must be in writing and provided by electronic mail. (F.S. § 337.401(7)(d)4).
- (b) In order for the application to be deemed granted, the application shall have demonstrated that it complies with the applicable codes and design standards, as well as the regulations for the placement and maintenance of new utility poles in the public rights-of-way, if applicable, and as negotiated between the parties.
- (c) In addition to the alternatives described in paragraph (a), above, the city may request that the proposed collocation of a small wireless facility be moved to another location in the right-of-way and placed on an alternative non-city owned existing utility pole, or suggest other solutions for an application. However, the application shall continue on the standard review timeframe described subsection 10.3.5.3 unless the applicant requests or agrees to utilize the alternative location negotiation process provided in this subsection. Such a request or agreement must be in writing and provided to the city by electronic mail.

10.3.5.5 Applications involving replacement or new utility poles. The city may review a request for a replacement utility pole or a new utility pole as part of a right-of-way utilization permit application for a wireless facility.

### **10.3.6 Permit review criteria for wireless facilities.**

The permit review criteria in this section addresses applications for collocation, including replacement utility poles, in paragraph (a) and applications for non-collocated facilities on a new utility pole in paragraph (b).

- (a) The city may deny a proposed collocation of a small wireless facility in the public rights-of-way if the proposed collocation:

- (1) Materially interferes with the safe operation of traffic control equipment.
  - (2) Materially interferes with sight lines or clear zones for transportation, pedestrians, or public safety purposes.
  - (3) Materially interferes with compliance with the Americans with Disabilities Act or similar federal or state standards regarding pedestrian access or movement.
  - (4) Materially fails to comply with the 2010 (or latest) edition of the Florida Department of Transportation Utility Accommodation Manual.
  - (5) Fails to comply with applicable codes as defined in section 10.1.2. (F.S. § 337.401(7)(d)11). Such applicable codes include the design standards for wireless facilities in subsection 10.3.7.2 and the design standards for replacement utility poles for wireless facilities in subsection 10.3.8.4, when applicable.
  - (6) Fails to conform to the statutory requirements for wireless facilities as set forth in subsection 10.3.7.1.
  - (7) Fails to conform to the statutory requirements for replacement utility poles as set forth in subsection 10.3.8.2, when applicable.
- (b) The city may deny a proposed placement of a non-collocated small wireless facility on a new utility pole in the public rights-of-way if the proposed placement:
- (1) Fails to comply with the standards listed in paragraph (a), above.
  - (2) Fails to conform to city rules and regulations governing the placement of utility poles in the public rights-of-way as provided in section 10.2.9.

### **10.3.7 Wireless facility requirements.**

10.3.7.1 Statutory requirements for wireless facilities. Wireless facilities shall conform to the following standards required by the wireless act:

- (a) The maximum volume of each antenna is six (6) cubic feet or, in the case of antennas that have exposed elements, each antenna and all of its exposed elements could fit within an enclosure of no more than six (6) cubic feet in volume. (F.S. § 337.401(7)(b)10).
- (b) The cumulative maximum volume of all wireless equipment is 28 cubic feet, not including the antenna or ancillary equipment as described in the definition of a small wireless facility. (F.S. § 337.401(7)(b)10).
- (c) The maximum height of a wireless facility is 10 feet above the utility pole or structure upon which the small wireless facility is to be collocated. (F.S. § 337.401(7)(d)5). Within the city, this height standard shall also apply to non-collocated small wireless facilities.

10.3.7.2 Design standards for wireless facilities. All wireless facilities, whether collocated or not, shall conform to the following objective design standards for reasonable location context, color, stealth design, and concealment requirements, and reasonable spacing requirements concerning the location of ground-mounted equipment.

(a) Antenna. Antennas greater than one (1) cubic foot in volume shall conform to the following standards:

- (1) Antenna location: Flush mounted to top of pole only, in line with the pole.
- (2) Antenna shroud: An antenna enclosure or shroud is required. The antenna and its connection to pole must be completely shrouded, in line with the pole, and must smoothly transition around pole top.
- (3) Shroud color/material: The shroud shall match the color and style of pole, and all wiring and equipment must be enclosed in shroud.
- (4) Number of antenna shrouds allowed: One, six (6) cubic foot antenna shroud shall be allowed per pole, but there shall be no limit on number of antennas within shroud.

(b) Pole mounted equipment.

- (1) Pole mounted wireless equipment volume and size: Up to 28 cubic feet of wireless equipment by volume may be pole mounted, flush with the pole, provided the depth and the width of any such equipment shall each not exceed 24 inches.
- (2) Pole mounted equipment location: Cabinet for radio and other wireless equipment, if pole mounted, shall be no less than 10 feet and no more than 18 feet above grade. To help minimize visibility, should be placed on the side of the pole opposite to the direction of traffic flow on the adjacent vehicular travel lane.
- (3) Electric meter. Free mounted electric meter and disconnect may be located on the utility pole in accordance with applicable codes. When mounted on the utility pole, electric meters and disconnect switches should be located on the side of the pole opposite to the direction of traffic flow on the adjacent vehicular travel lane.
- (4) Pole mounted equipment color/material: All pole mounted equipment shall be flush mounted and shrouded or encased in a covering or cabinet. The equipment cabinets, cages, and associated hardware, including meters and cut-off switches, shall be black. Mounting straps shall only be allowed on poles where direct mount is not possible or impairs pole structure; in the event external straps are used, it shall match pole color. All other mounting and banding fixtures shall either be black or match the color of the pole. On all poles, except wood poles where allowed, all wires and cabling shall be placed internal to the pole; external wires and cables on wood poles shall be in ducts, raceways, or conduit risers that matches the pole color.

- (c) Enclosed pedestal base.
  - (1) Pedestal base size: Enclosed pedestal base not exceeding 36 inches high and a square shape not exceeding 24 inches wide by 24 inches in depth. Architectural molding on all flat surfaces is preferred.
  - (2) Pedestal base color/material: Match the color of the pole.
- (d) Ground mounted equipment.
  - (1) Ground mounted equipment location: Shall be located within 10-foot radius of pole and shall have a consistent alignment that is parallel with the roadway travel lanes.
  - (2) Ground mounted equipment color/material: All equipment shall be enclosed in a cabinet and cables in raceways. Cabinets shall be located on a concrete or equivalent pad on the ground. The external finish of all ground mounted cabinets and associated hardware, including meters, cut-off switches, ducts, raceways, and conduit risers, shall be black. Any meters or equipment mounted to the finish shall be flush.
  - (3) Ground mounted equipment setbacks: Shall be set back a minimum of two and one-half (2½) feet from the face of non-mountable curb adjacent to an on-street parallel parking space, ten (10) feet from the edge of existing trees 12 inches or greater in diameter at breast height, and 15 feet from any pedestrian ramp.
  - (4) Ground mounted equipment separation from fire hydrants: Shall be at least 60 inches from the front of fire hydrants and 36 inches from any other side of a fire hydrant.
  - (5) Ground mounted equipment on separate poles: Equipment cabinets or cages mounted on a separate pole shall not be permitted. Electric meters located on a separate pole shall not be permitted.
  - (6) Ground mounted equipment roadside clearances: Ground mounted equipment within public rights-of-way shall not be within the roadway recovery area. Equipment such as above-ground closures, cabinets, and other items whose construction and size would cause extensive damage to a vehicle if struck are to be located according to the standards for utility poles. The roadside clearances for other aboveground facilities shall be consistent with those clearances applicable to other obstacles on the type of highway involved, reflecting good engineering and economic consideration.
- (e) Aerial connections. Aerial electrical and fiber connections shall not be permitted unless there are existing aerial wires on the host utility pole to serve the facility. All cables between the utility pole and ground-mounted equipment shall be placed underground.



(f) Other standards.

- (1) The grounding rod shall not extend above the top of the 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.
- (2) All pull boxes must be vehicle load bearing, comply with FDOT standard specification 635 and be listed on the FDOT approved products list. A concrete apron must be installed around all pull boxes not located in the sidewalk. No new pull boxes may be located in pedestrian ramps.
- (3) Wireless facilities and equipment may not block or materially interfere with the view of street signs or traffic control devices.
- (4) One weatherproof sign or plaque shall be placed on the electric meter cabinet for the city-issued address of the facility. Such label shall not be larger than one-half square foot in area. Any signs required by the FCC are also allowed. No other signage shall be permitted on any wireless facility.
- (5) No signals, lights, or illumination shall be permitted on a wireless facility unless required by applicable state or federal laws or rules.
- (6) Electric power and communication lines servicing small wireless facilities shall be located underground unless there are existing aerial lines on the host utility pole to serve the facility. All cables between the utility pole and ground-mounted equipment shall be placed underground.
- (7) Wires and cables to be located on a utility pole shall be within the utility pole or in the case of wood utility poles enclosed in ducts or raceways or covered with a shroud. No exposed wires or cables are permitted. To conform to this standard, non-wood utility poles such as aluminum, fiberglass or other structural synthetic material, concrete, etc. shall be capable of accommodating an internal chase and all wiring shall be interior to pole.
- (8) Exposed ducts, raceways, conduit risers, or wire shrouding shall not be permitted above the electric meter and disconnect switch when wires interior to the pole or flush mounted wires are possible. In situations where exposed raceways have to be used, such as wood poles, the raceways shall match the color of the utility pole, if pole mounted; otherwise, the finish shall be black. Wiring shall be insulated in accordance with applicable codes.

**10.3.8 Existing and replacement utility poles.**

10.3.8.1 Eligible poles for collocation. An existing utility pole in the public rights-of-way in use at the time of an application for collocation is eligible for collocation consistent with the provisions of this article. However, a pole or similar structure 15 feet or less in height is not eligible for collocation unless a waiver is granted for such pole. (F.S. § 337.401(7)(b)11).

10.3.8.2 Statutory requirements for replacement utility poles. Replacement utility poles for wireless facilities shall conform to the following standards required by the wireless act:

- (a) The height for a replacement utility pole is limited to the tallest existing utility pole as of July 1, 2017, located in the same right-of-way, other than a utility pole for which a waiver has previously been granted, measured from grade in place within 500 feet of the proposed location of the small wireless facility. If there is no utility pole within 500 feet, the height of the utility pole shall be limited to 50 feet. (F.S. § 337.401(7)(d)5).
- (b) The installation of a replacement utility pole in the public rights-of-way designed to support a small wireless facility shall be subject to city rules or regulations governing the placement of utility poles in the public rights-of-way, except as provided in paragraph (a), above, and subsection 10.3.5.4 - alternative location negotiation process, and shall be subject to the application review timeframes in this division. (F.S. § 337.401(7)(d)6). The aforementioned rules or regulations include the standards for the placement and maintenance of utility poles in section 10.2.9.

10.3.8.3 Statutory allowance for wireless infrastructure providers. A wireless infrastructure provider may apply to the city to place replacement utility poles in the public rights-of-way to support the collocation of small wireless facilities. The application must include an attestation that small wireless facilities will be collocated on the utility pole or structure and will be used by a wireless services provider to provide service within nine (9) months after the date the application is approved. The city shall accept and process the application in accordance with subsection 10.3.8.2(b), above, and any applicable codes and other local codes governing the placement of utility poles in the public rights-of-way. (F.S. § 337.401(7)(j)). The aforementioned codes include the standards for the placement and maintenance of utility poles in section 10.2.9 and the design standards for replacement utility poles for wireless facilities in subsection 10.3.8.4.

10.3.8.4 Design standards for replacement utility poles. An existing utility pole may be removed and replaced with a replacement utility pole for the purposes of collocating a small wireless facility subject to the requirements of this subsection.

- (a) Similarity to existing pole: A new utility pole that replaces an existing utility pole shall be of substantially similar design, material, and color as the original pole. (F.S. § 337.401(7)(b)2). However, conversion of a wood utility pole to concrete or metal is preferred. If the original pole is part of a planned project by the owner of the pole to replace poles, the replacement pole must conform to the updated design, color, and material.
- (b) Location: The replacement utility pole must be in substantially the same location and continue to serve primary function as original pole. In order to qualify as a replacement utility pole, the original pole shall be removed so that there is not a net increase in the number of utility poles located within that particular area of the public right-of-way.

- (c) Height: Pursuant to the statutory height requirements in subsection 10.3.8.2(a). In situations where the replacement utility pole would not be higher than the original utility pole, the height of the replacement pole may be increased up to five (5) feet through a waiver if reasonably necessary to accommodate separation requirements for a top mounted antenna.
- (d) Internal channel: Non-wood replacement poles such as aluminum, fiberglass or other structural synthetic material, concrete, etc. shall be capable of accommodating an internal chase, and all wiring shall be interior to pole.
- (e) Utility pole standards: A replacement utility pole shall conform to the applicable requirements for the placement and maintenance of utility poles and similar structures in section 10.2.9.

**10.3.9 New utility poles.**

The placement and maintenance of new utility poles in the public rights-of-way shall be pursuant to the requirements contained in section 10.2.9.

**10.3.10 Undergrounding requirement compliance.**

A wireless provider shall, in relation to a small wireless facility, utility pole, or wireless support structure in the public rights-of-way, comply with nondiscriminatory undergrounding requirements of the city that prohibit above-ground structures in public rights-of-way. Any such requirements may be waived by the city. (F.S. § 337.401(7)(i)).

**10.3.11 Collocation on city utility poles.**

When small wireless facilities are proposed to be collocated on city utility poles located in rights-of-way, except for utility poles owned by the Altamonte Electric Utility, the following additional regulations shall apply:

- (a) The city shall not enter into an exclusive arrangement with any person for the right to attach equipment to city utility poles.
- (b) The rates and fees for collocations on city utility poles shall be nondiscriminatory, regardless of the services provided by the collocating person.
- (c) The rate to collocate small wireless facilities on a city utility pole is \$150 per pole annually.
- (d) The city shall offer rates, fees, and other terms that comply with this section. By the later of January 1, 2018, or three months after receiving a request to collocate its first small wireless facility on a utility pole owned or controlled by the city, the city shall make available, through ordinance or otherwise, rates, fees, and terms for the collocation of small wireless facilities on the city utility pole which comply with this section.

  - (1) The rates, fees, and terms must be nondiscriminatory and competitively neutral and must comply with this section.

- (2) For a city utility pole that supports an aerial facility used to provide communications services or electric service, the parties shall comply with the process for make-ready work under 47 U.S.C. § 224 and implementing regulations. The good faith estimate of the person owning or controlling the pole for any make-ready work necessary to enable the pole to support the requested collocation must include pole replacement if necessary.
- (3) For a city utility pole that does not support an aerial facility used to provide communications services or electric service, the city shall provide a good faith estimate for any make-ready work necessary to enable the pole to support the requested collocation, including necessary pole replacement, within 60 calendar days after receipt of a complete application. Make-ready work, including any pole replacement, must be completed within 60 days after written acceptance of the good faith estimate by the applicant. Alternatively, the city may require the applicant seeking to collocate a small wireless facility to provide a make-ready estimate at the applicant's expense for the work necessary to support the small wireless facility, including pole replacement, and perform the make-ready work. If pole replacement is required, the scope of the make-ready estimate is limited to the design, fabrication, and installation of a utility pole that is substantially similar in color and composition. The city shall not condition or restrict the manner in which the applicant obtains, develops, or provides the estimate or conducts the make-ready work subject to usual construction restoration standards for work in the right-of-way. The replaced or altered utility pole shall remain the property of the city.
- (4) The city shall not require more make-ready work than is required to meet applicable codes or industry standards. Fees for make-ready work shall not include costs related to preexisting damage or prior noncompliance. Fees for make-ready work, including any pole replacement, shall not exceed actual costs or the amount charged to communications services providers other than wireless services providers for similar work and may not include any consultant fee or expense. (F.S. § 337.401(7)(f)).
- (5) Agreements between the city and wireless providers that are in effect on July 1, 2017, and that relate to the collocation of small wireless facilities in the right-of-way, including the collocation of small wireless facilities on city utility poles, remain in effect, subject to applicable termination provisions. The wireless provider may accept the rates, fees, and terms established under this section for small wireless facilities and utility poles that are the subject of an application submitted after the rates, fees, and terms become effective. (F.S. § 337.401(7)(f)).
- (e) Collocation of a small wireless facility on a city utility pole does not provide the basis for the imposition of an ad valorem tax on the city utility pole. (F.S. § 337.401(7)(d)).
- (f) The city may reserve space on city utility poles for future public safety uses. However, a reservation of space may not preclude collocation of a small wireless

facility. If replacement of the city utility pole is necessary to accommodate the collocation of the small wireless facility and the future public safety use, the pole replacement is subject to make-ready provisions and the replaced pole shall accommodate the future public safety use. (F.S. § 337.401(7)(d)).

### **10.3.12 Inspections and certification.**

This section shall apply to all permits issued pursuant to this division.

- (a) The applicant shall inform the city engineer of the date of construction and arrange a pre-work conference if deemed necessary by the city engineer.
- (b) The applicant shall retain a Florida licensed professional engineer to design and inspect the structural and electrical components of the wireless facility equipment attached to each pole and each utility pole installation, if applicable, to ensure the installations are in compliance with this article, the Florida Building Code and the design documents.
- (c) The Florida licensed professional engineer retained by the applicant shall conduct field inspections, including a final inspection, to ensure compliance with this article, the Florida Building Code and the design documents.
- (d) Upon completion of work authorized by a permit and prior to a wireless facility becoming active or energized with electrical service, the Florida licensed professional engineer shall provide a signed and sealed certification to the city engineer stating that inspections have been completed and the wireless facility and utility pole installation, if applicable, is in compliance with this division, the Florida Building Code and the design documents. Failure of the applicant to submit the required certification in a timely manner may cause the subject permit to be revoked and is sufficient grounds for the city to deny the issuance of any future right-of-way permits to the applicant.
- (e) As required by Altamonte Springs Code section 29-53(e), the applicant shall produce and maintain a complete set of plans indicating the horizontal and vertical profiles and which accurately reflect the physical location of facilities placed in rights-of-way within forty-five (45) days after completion of construction of those facilities, and make such plans available to the city within forty-five (45) days after construction of any portion of the system.
- (f) In addition to the inspections and certification required above, the city reserves the right to conduct inspections on wireless facilities and new utility poles for wireless facilities to ensure compliance with this article, the design documents, and the Florida Building Code.

### **10.3.13 Removal; abandonment.**

Removal of a communications facility shall be pursuant to the requirements of chapter 29 - communication systems in the Altamonte Springs Code.

## **DIVISION 4. ADMINISTRATION AND ENFORCEMENT PROVISIONS**

### **10.1.10 Variances.**

~~The city commission upon the recommendation and advice of the city engineer, may grant variances from the provisions of this article which will not be contrary to the public interest, where, owing to special conditions, it finds a literal enforcement of such provisions would result in unnecessary hardship.~~

### **10.4.1 Waivers.**

All waiver requests shall follow the general waiver criteria in subsection 10.4.1.3 unless the request falls under the specific waiver criteria for communications facilities in subsection 10.4.1.4.

#### 10.4.1.1 Waiver eligibility.

- (a) Waivers for those matters specifically identified in this article as eligible for waiver consideration may be authorized by the city engineer.
- (b) For purposes of this article, a waiver is a modification of the terms of the land development regulation where such waiver will not be contrary to the public interest and where, owing to the conditions peculiar to the land or property involved and not the result of actions of the applicant, a literal enforcement of the regulation would result in unnecessary hardship or where such waiver will allow for the construction of improvements in conformity with the intent of the land development regulations while providing improved design standards. Such waiver shall not be granted if it has the effect of nullifying the intent and purpose of these regulations.
- (c) No public hearings shall be required for waiver applications.

10.4.1.2 Waiver requests. A request for a waiver shall be filed contemporaneously with the right-of-way utilization application. The request for waiver shall contain each section, subsection, requirement, standard, or criteria for which a waiver is being sought and A shall include a detailed explanation, with supporting engineering or other data, as to why a waiver from the requirements of this article is requested.

10.4.1.3 General waiver criteria. In considering a proposed waiver, the city engineer shall determine whether the proposed waiver is in harmony with the intent of this article, considering the following criteria as applicable:

- (a) Owing to the conditions peculiar to the land or property involved and not the result of actions of the applicant, a literal enforcement of the regulation would result in unnecessary hardship.
- (b) Special conditions and circumstances exist which are peculiar to the specific situation and which are not applicable to other city rights-of-way, or easements if applicable, or utilization of same.

- (c) A literal interpretation of the provisions of these regulations would deprive the applicant of rights commonly enjoyed by other users of city rights-of-way, or easements if applicable, with similar conditions.
- (d) Such waiver will allow for the construction of improvements in conformity with the intent of the land development regulations while providing improved design standards.
- (e) Such waiver shall not be granted if it has the effect of nullifying the intent and purpose of these regulations.
- (f) The effect of the waiver will be compatible with the existing contiguous uses and consistent with the general character of the area for the right-of-way and adjacent properties.
- (g) The effect of the proposed waiver will not negatively alter the aesthetic character of the area surrounding the site and will not substantially interfere with or injure the rights of others whose property would be affected by the same.
- (h) The waiver will not have a detrimental effect on vehicular, bicycle, or pedestrian traffic or parking conditions.
- (i) The proposed waiver will not be detrimental to the public health, safety or welfare, and will not result in additional public expense, creation of nuisances, or cause conflict with any other applicable law or regulation.
- (j) The public right-of-way or public easement where the facility is proposed exhibits specific physical limitations or characteristics which are unique to the site and which would make imposition of the strict letter of the standard unduly burdensome.
- (k) The request accomplishes a compelling public interest, such as, for example, furthering the preservation of natural resources.
- (l) Strict compliance with the regulation will create a substantial financial burden when considering the cost of compliance and the other factors enumerated above.
- (m) The request is not based exclusively upon a desire to reduce the costs associated with compliance and is the minimum necessary to allow reasonable use of the right-of-way.
- (n) Where in consideration of factors set out in the Land Development Code, the city engineer determines that the issuance of the waiver is justified.

10.4.1.4 Specific waiver criteria for wireless facilities. Waiver requests related to wireless facilities in division 3 of this article shall be based upon the following waiver criteria:

- (a) Design standards for wireless facilities provided in subsection 10.3.7.2 that may require a small wireless facility to meet reasonable location context, color, stealth, and concealment requirements may be waived by the city engineer upon the applicant satisfactorily demonstrating that the objective design standards are not reasonably compatible for the particular location of a small wireless facility or that the objective design standards impose an excessive expense. The waiver shall be

granted or denied within 45 days after the date of the request. (F.S. § 337.401(7)(b)2).

- (b) Objective design standards for small wireless facilities provided in subsection 10.3.8.4 that may require a new utility pole that replaces an existing utility pole to be of substantially similar design, material, and color or that may require reasonable spacing requirements concerning the location of ground-mounted equipment may be waived by the city engineer upon the applicant satisfactorily demonstrating that the objective design standards are not reasonably compatible for the particular location of a small wireless facility or that the objective design standards impose an excessive expense. The waiver shall be granted or denied within 45 days after the date of the request. (F.S. § 337.401(7)(b)2).
- (c) Any other waiver request for regulations contained in division 3 that are eligible for waiver shall follow the general waiver criteria in subsection 10.4.1.3, to include the following matters:

  - (1) The standard that a pole or similar structure that is 15 feet in height or less is not classified as a utility pole and is not eligible to be used for the collocation of a small wireless facility. (F.S. § 337.401(7)(b)11).
  - (2) The requirement that the height of a replacement utility pole is limited to the tallest existing utility pole as of July 1, 2017, located in the same right-of-way, measured from grade in place within 500 feet of the proposed location of the small wireless facility. (F.S. § 337.401(7)(d)5).
  - (3) Nondiscriminatory undergrounding requirements of the city that prohibit above-ground structures in public rights-of-way. (F.S. § 337.401(7)(i)).

#### 10.4.1.5 Waiver determinations.

- (a) In granting any waiver, the city engineer may impose conditions to the extent the engineer concludes such conditions are necessary to minimize any adverse effects of the proposed facility within a five hundred (500) foot radius of the proposed location, or to protect the health, safety, and welfare of the public.
- (b) The city engineer shall grant or deny a request for a waiver within forty-five (45) days after receiving a complete request.

#### **10.4.2 10.1.11 Appeals procedure.**

Any person aggrieved by the decision of a city official in the administration, interpretation, or enforcement of this article may appeal such decision as provided in the appeal procedures located in article III, division 4, section 3.4.2 of this Code.

~~10.1.11.1 Appeal of staff decision. Any person aggrieved by the decision of any city official in the enforcement or interpretation of this article, may appeal such decision to the planning board of the City of Altamonte Springs within 30 days from said decision. The planning board, by majority vote, may affirm, reverse, or modify the decision of the city official.~~

~~10.1.11.2 Appeal of planning board decision. Any person aggrieved by any decision of the planning board in the enforcement, interpretation or appeal of a decision of this article may appeal~~



~~such decision to the city commission within 30 days from said decision of the planning board. The city commission shall review the entire plan, subdivision or other matter presented to them and shall not be limited to a mere portion or part of the overall matter.~~

~~10.1.11.3 Appeal of city commission decision. Decisions of the city commission may be appealed to the circuit court within 30 days from the date of said decision, for review by certiorari, not de novo. Such appeal to the circuit court shall be restricted to the record before the city commission, or, if the city commission concurs with the decision of the planning board, the record to be reviewed shall be that of the hearing before both the planning board and city commission.~~

#### **10.4.3 ~~10.1.12~~ Existing uses.**

Any owner of property on which there is a roadway access point lawfully in existence as of the effective date of this article, but which is determined by the city to present a hazard to the public safety and welfare due to the location of curb cuts or other matters regulated within this article, and which does not comply with these new regulations, shall be required to reconstruct or alter such hazardous situation within five years from written notification by the city. In the case of a hazard which is determined to be immediate and severe, a lesser amount of time may be prescribed for compliance by the property owner following a public hearing by the city commission.

#### **10.4.4 Stop work; permit revocation.**

- (a) The director of public works shall authorize a "stop work" order into effect upon any permittee who is committing or creating unsafe acts which may create public hazard or who is not complying with the provisions of the permit and this article until such time as these matters are corrected. The city shall not be held responsible for any damages, as a result of this action, by the permittee.
- (b) The city may revoke any permit granted pursuant to this article, without refunding any fees, for one or more of the following reasons:
  - (1) If it finds that an applicant or a permittee has not complied with applicable law, including any provision of a permit, this code, or other authorization, or that revocation is necessary to protect the public health, safety, or welfare.
  - (2) Misrepresentation or fraud by an applicant in a permit application to the city.
  - (3) Failure to properly renew or ineffectiveness of registration.
  - (4) Failure to relocate or remove facilities as may be lawfully required by the city.

The city engineer shall provide notice and an opportunity to cure any violation of (1) through (4) above, each of which shall be reasonable under the circumstances.

**10.4.5 10-1.13 Penalties for violation.**

- (a) Any person, whether as owner, lessee, principal, agent, employee or otherwise, who violates any of the provisions of this article, or permits any such violation to continue, or otherwise fails to comply with the requirements of this article or of any plan or statement submitted and approved under the provisions of this article, shall be guilty of an ordinance violation and subject to prosecution. Upon conviction such person shall be fined not more than \$500.00 or imprisoned for not more than 60 days, or both, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. At the option of the city, any violation may be processed through the city's code enforcement board or code enforcement citation process as an alternative to prosecution under this section.
- (b) Nothing herein contained shall prevent the city from taking such other lawful action, including, but not limited to, resort to equitable action, as is necessary to prevent or remedy any violation.

**10.4.6 10-1.14 Liberal construction.**

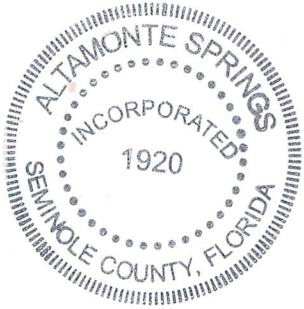
The provisions of this article shall be liberally construed in order to effectively carry out the purposes of this article in the interests of public health, safety, and welfare of the citizens and inhabitants of Altamonte Springs, Florida.

**SECTION FOUR.** Conflicts. Any and all Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.

**SECTION FIVE.** Severability. If any provisions of this Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

**SECTION SIX.** Effective Date. This Ordinance shall become effective immediately after passage.

PASSED AND ADOPTED THIS 15th DAY OF January, 2019.



FIRST READING: 12/04/2018

ADVERTISED: 11/19/18 &  
11/26/18

SECOND READING: 1/15/2019

A handwritten signature in cursive script that reads "Pat Bates".

PAT BATES, MAYOR  
City of Altamonte Springs, Florida

ATTEST:

A handwritten signature in blue ink that reads "Angela M. Apperson".

ANGELA M. APPERSON, CITY CLERK

Approved as to form and legality  
for use and reliance by the City  
of Altamonte Springs, Florida

A large, stylized handwritten signature in black ink that reads "James A. Fowler".

JAMES A. FOWLER, ESQ.  
CITY ATTORNEY